

URBAN/MUNICIPAL

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May 1987-June

Hamilton, Ont. Council
Committee Agenda
Planning + Development
Committee

SECONI



THE CORPORATION OF THE
City Hall, 71 Main Street West, Hamilton, Ont

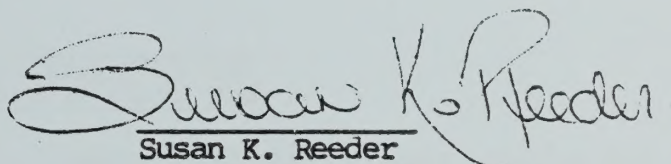
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1987 May 20

CA4 ON HBCA
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1987

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 May 27
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

1. (a) Minutes of the meeting held Wednesday, 1987 May 13.
(copy to follow)
- (b) Minutes of the meeting held Wednesday, 1987 May 20.
(copy to follow)
2. Building Department
 - (a) Demolition Permit Applications
 - (i) 142 Britannia
 - (ii) 13 & 15 Ferrie Street East
 - (iii) 2774 King Street East
 - (iv) 1312 Upper James Street
 - (v) 1316 Upper James Street
3. Community Development Department
 - (a) Ottawa Street Business Improvement Area (B.I.A.); Application to the Main Street Canada Programme.
 - (b) Grants for the Handicapped, Mrs. Helen Shaw, 139 Barons Avenue North.
 - (c) Commercial Facade Loan Programme - Financing.
 - (d) Ontario Home Renewal Programme - Disabled.

URBAN MUNICIPAL

MAY 26 1987

GOVERNMENT DOCUMENTS

4. City Solicitor's Office

- (a) City's Ground Lease to Lakeview Development Limited - amending agreement dated 1986 November 26 to confirm adjustments to rent.

5. Property Department

- (a) Lease by the City - 22 Tiffany Street to Mr. Phillip Italiano.
- (b) Request for Extension of the Construction Commencement Date - Kenora Industrial Park.
- (c) Sale - Parts 15 and 16, Plan 62R-7820 - Keefer Court - Tuite Construction Limited.

Public Meeting
3:00 o'clock p.m.

- 6. Zoning Application ZA-87-23, Joseph Campanella, owner, requesting a further modification to the "JJ" District regulations for properties located at Nos. 189-191 Hess Street North; Central Neighbourhood.
Public Meeting - 3:00 p.m.
- 7. Zoning Application ZA-87-30, David Sa, owner, requesting a modification to the "C" District regulations for property located at No. 271 Mohawk Road West; Rolston Neighbourhood.
Public Meeting - 3:00 p.m.
- 8. Zoning Application ZA-87-31, Jubilee Consultants Services, prospective owner, requesting a change in zoning from "D" to "RT-10", and a modification to the existing RT-10 District regulations for property located at No. 613 Stone Church Road East; Rushdale Neighbourhood.
Public Meeting - 3:00 p.m.
- 9. Zoning Application ZA-87-33, Arton and Margaret Jacusiw, owners, requesting a change in zoning from "AA" to "B-1" District, for property located at No. 1268 West 5th Street; Mewburn Neighbourhood.
Public Meeting - 3:15 p.m.
- 10. Zoning Application ZA-87-36, Marz Home Limited, prospective owner, requesting a change in zoning from "AA" to "C" District, for the rear part of property located at No. 617 Limeridge Road East; Thorner Neighbourhood.
Public Meeting - 3:15 p.m.



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11. Zoning Application ZA-87-45, 629581 Ontario Limited (K.W. Jackson), owner, requesting a change in zoning from "JJ" to "HH" District for property at No. 2425 Barton Street East; Nashdale Neighbourhood.
Public Meeting - 3:15 p.m.
12. Zoning Application ZA-87-34, Hamilton Jewish Communal Projects Inc., owner, requesting a change in zoning from "C" to "E" District for properties at Nos. 57 and 85 Delaware Avenue; St. Clair Neighbourhood.
Public Meeting - 4:30 p.m.
13. Site Plan Control Application Approval (For information).
14. Day Nurseries: An Assessment of Hamilton Land Use Policy and Controls.
(P5-6-8-4)
15. Proposed Amendment to the Hamilton-Wentworth Official Plan (Town of Ancaster). (P-7-3)
16. Other Business
17. Adjournment



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

Date: 1987 May 20

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION APPLICATION

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED
BUT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL
PROPERTY.

Map: W9C
Zone: "C"
Lot Size: 53 X 275.110

ADDRESS: 1316 Upper James

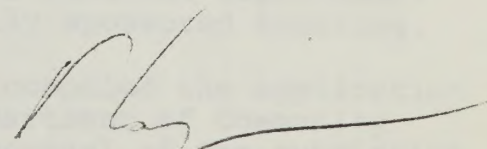
PRESENT USE: S.F.D.

PROPOSED USE: Vacant

OWNER: Johnston Motors, 1350 Upper James Street

COMMENTS: Vacant since January 1987

RECOMMENDATION: It is recommended that the Committee approve
demolition.


PETER C. LAMPMAN, P.Eng.
Director of Plan Examination

for PAUL KUPPE, P.Eng.
Building Commissioner

RD/ggf
(0833g)

3a.

FOR ACTION

FROM Mr. E. W. Kowalski, Director,
Community Development **DATE** 1987 May 20

TO Planning and Development Committee **Refer To File No.** 800-0014.10

Attention Of _____

Your File No. _____

SUBJECT

Ottawa Street Business Improvement Area (B.I.A.); Application to the Main Street Canada Programme.

RECOMMENDATION

- (i) That, subject to the Main Street Canada approval of the Ottawa Street Business Improvement Area's application to the programme, the submission be endorsed at no financial cost to the City of Hamilton.
- (ii) That, the agreement between the City of Hamilton and Main Street Canada be subject to the satisfaction of the City Solicitor.
- (iii) That, the Mayor and City Clerk be authorized to execute the agreement.

E. Kowalski

BACKGROUND

On 1987 February 25, the Ottawa Street Business Improvement Area began meeting with the Main Street Canada programme representatives. Subsequently, the Ottawa Street Business Improvement Area decided to make application to the Main Street Programme at no financial cost to the City of Hamilton, since the only cost involved a full-time staff member's salary and expenses which is already within the Business Improvement Area budget.

The Main Street Programme provides training for the Business Improvement Area staff related to marketing, design, co-ordination of streetscape improvements and businesses. The Business Improvement Area, in turn, will benefit from the Federally sponsored training.

The Ottawa Street Business Improvement Area compiled the application information (attached) and requested the Department of Community Development obtain the City of Hamilton's approval of the submission since the agreement has to be with Main Street Canada and the City of Hamilton.

The aforementioned is a result of the three year programme commitment. To effectively train the Business Improvement Area staff, he/she will attend education sessions each year for the next three years, a term which the Ottawa Street Business Improvement Area and staff have agreed to.

MAIN STREET CANADA
COMMUNITY SELECTION QUESTIONNAIRE

MS4

Please submit one copy of this completed questionnaire and all requested attachments to:

The Heritage Canada Foundation
Main Street Canada
P.O. Box 1358, Station B
OTTAWA, Ontario
K1P 5R4

This Community Selection Questionnaire has four sections:

- | | |
|-----------------|-------------------------|
| 1. THE DOWNTOWN | 3. HUMAN RESOURCES |
| 2. THE DISTRICT | 4. HISTORICAL RESOURCES |

The intent of the questionnaire is to profile some of the important aspects of your town or city. We suggest that a member of your town or city administration complete the section on the Downtown; a member of your business community complete the sections on the District and Human Resources; and a member of your local historical society, architectural preservation group or similar organization complete the Historical Resources section. Whoever completes a section should sign in the appropriate place at the end of the section.

The questions and requirements (maps, for example) should not be difficult to answer or acquire for most communities. Most, if not all the information should be available in your community, or through an appropriate provincial government office (development, tourism, small business, etc.). If the actual figure requested is not readily available, or not known, you may estimate the figure based on local expertise. But if you do use an estimate, please note this on the questionnaire. As an example, Section 2, the District, asks for the percentage of the downtown's trading area that shops in town. If you cannot find this figure, you may be able to make a good estimate by talking to a number of merchants; if they agree that about 65% shop in town, record it like this: 65% (est.). If you can't come up with a fair estimate, write "unavailable" and do not answer the question.

This questionnaire is the first part of a three-part selection process. The basic data on a town or city is collected here. If your community fits the broad profile of a potential Main Street community, a second, more detailed application will be sent. This application form will require a considerable amount of work to complete, so your community should be sure of its commitment to downtown revitalization before tackling the second form. The third part, for a few selected communities, involves interviews and an in-depth analysis of the community.

If you feel a question is not clear, or your community's circumstances make the question ambiguous, either make a note of the interpretation you used to answer the question, or call Main Street Canada at (613) 237-1066, local 24, for clarification.

MAIN STREET CANADA COMMUNITY SELECTION QUESTIONNAIRE

MS4

Part 1: THE DOWNTOWN

We suggest this part of the questionnaire be filled out by a member of your city or town administration.

Name of community: Hamilton - Ottawa Street North Community

Province: Ontario

Population: Ham. 306,000 (year) 1987

Ottawa St. 12,762

1. Please attach a municipal land use map of your community. The map should have a land use legend including a definition of zone types. If no printed land use map is available, a hand-drawn substitute will be acceptable. A letter-size (8 1/2" x 11") map is preferable.

2. Please attach a municipal map which shows the downtown area of your community. This map should show building outlines, streets and vacant lots downtown, and should be updated to show the present situation downtown. Outline the central business district, and the business improvement area or district if one exists. Indicate the main business street and the main downtown intersection (the main intersection is often the location of highest property assessment). See the sample map enclosed. A letter-size map is preferable.

Maps for 1. and 2. may be combined if all information is legible.

3. Please attach a city or district map showing the nearby competing shopping areas (eg. shopping malls, neighbouring towns or cities), indicating which is the major single competitor. If possible, note its actual or estimated share of the retail market compared to downtown. See the sample map enclosed. A letter-size map is preferable.

4. Please attach a list of all downtown businesses, indicating the type of business for each (eg. Hollywood Reflections, beauty salon; Ramsay's, art supplies). Addresses are advantageous, but not necessary. A list generated from assessment rolls is acceptable, if downtown businesses are extracted or highlighted from the city-wide list.

5. Please include a photograph of the downtown core which gives some indication of the character of the main street and its buildings. The photo should be from street level, between 3 1/2" x 5" and 5" x 7", and in colour or black and white.

Name of person completing Section 1: Sylvia Renshaw

Title or occupation: Community Renewal Officer, Dept. of Community Development

Address and telephone: 71 Main Street West

Hamilton, Ontario

(416) 526-2744

CITY OF HAMILTON ZONING DISTRICTS

SECTION NO.
IN BY-LAW
NO. 6593SUMMARY

	<u>DISTRICTS</u>	<u>PRINCIPAL PERMITTED USES</u>	<u>STANDARDS</u>
7	"A"	Conservation, Open Space, Park and Recreation	Min. Lot 1,848 m ² (19,891.71 ft ²) and 24.0 m (78.74 ft) width Min. Yards: Front 12 m (39.37 ft) Side 4.5 m (14.76 ft) Rear 10.5 m (34.45 ft)
7A	"AA"	Agricultural	Min. Lot 12,000 m ² (2.97 acres) and 60 m (196.85 ft) width Min. Yards: Front 12 m (39.37 ft) Side 4.5 m (14.76 ft) Rear 10.5 m (34.45 ft)
8	"B"	Suburban Agricultural and Residential	Min. Lot 1,100 m ² (11,840.3 ft ²) and 20.0 m (65.62 ft) width Min. Yards: Front 12 m (39.37 ft) Side 3.0 m (9.84 ft) Rear 9.0 m (29.53 ft)
8A	"B-1"	Suburban Agricultural and Residential	Min. Lot 690 m ² (7,427.10 ft ²) and 15.0 m (49.21 ft) width Min. Yards: Front 7.5 m (24.61 ft) Side 1.8 m (5.90 ft) Rear 7.5 m (24.61 ft)
8B	"B-2"	Residential (Single Family)	Min. Lot 540 m ² (5,812.51 ft ²) and 15.0 m (49.21 ft) width Min. Yards: Front 6.0 m (19.69 ft) Side 1.5 m (4.92 ft) Rear 7.5 m (24.61 ft)
9	"C"	Residential (Single Family)	Min. Lot 360 m ² (3,875.01 ft ²) and 12.0 m (39.37 ft) width Min. Yards: Front 6.0 m (19.69 ft) Side 1.2 m (3.94 ft) Rear 7.5 m (24.61 ft)
10	"D"	Residential (One & Two Family)	Min. Lot 1-Family, 360 m ² (3,875.01 ft ²) and 12.0 m (39.37 ft) width 2-Family, Min. Lot 540 m ² (5,812.51 ft ²) and 18 m (59.06 ft) width Min. Yards: Front 6.0 m (19.69 ft) Side dependent on height Rear 7.5 m (24.61 ft)
10A	* "DE"	Low Density Multiple Dwellings	Min. Lot 720 m ² (7,750.02 ft ²) and 21.0 m (68.90 ft) width for 4 unit building; 160 m ² (1,722.23 ft ²) per unit and 24.0 m (78.74 ft) width for 5 and 6 unit; 140 m ² (1,506.95 ft ²) per unit and 27.0 m (88.58 ft) width for 7 units or more Max. Height - 3 storeys Min. Yards: Front 6.0 m (19.69 ft) Side 3.0 m (9.84 ft) Rear 7.5 m (24.61 ft) Min. Landscaped Area - 25% of Lot
10B	* "DE-2"	Multiple Dwellings	Max. Floor Area .9 times the area of lot Height limit - 8 storeys Min. Landscaped Area - 25% of Lot
10C	* "DE-3"	Multiple Dwellings	Max. Floor Area .9 times the area of lot Min. Yards: See By-law Height limited to 3 storeys Min. Landscaped Area - 25% of Lot
10D	* "RT-10"	Townhouses (3 - 8 units)	Min. Area for each single family dwelling unit 270 m ² (2,906.26 ft ²) and 27 m (88.58 ft) min. width for total lot Max. Height - 3 storeys Min. Yards: Front 6.0 m (19.69 ft) Side and Rear - See By-law Min. Landscaped Area - 50% of Lot

10E	* "RT-20"	Townhouses & Maisonettes	<p>a) Townhouses - Min. Lot Area for each single family dwelling unit 230.0 m² (2,475.70 ft²) and 23.0 m (75.46 ft) width Max. Height - 3 storeys Min. Landscaped Area - 40% of Lot</p> <p>b) Maisonettes - Min. Lot Area for each single family dwelling unit 165.0 m² (1,776.05 ft²) Max. Height - 3 storeys Min. Landscaped Area - 40% of Lot</p>
10F	* "RT-30"	Street Townhouses	<p>Min. Lot Area for each single family unit 180 m² (1,937.50 ft²) Max. Height - 3 storeys Min. Yards: See By-law</p>
<p>NOTE: Minimum Parking spaces for all Multiple Dwellings: Depending on Location 80%, 100% or 125% of the number of dwelling units.</p>			
11	* "E"	Multiple Dwellings	<p>Max. Floor Area 1.7 times the area of lot Max. Height - 12 storeys Min. Yards: See By-law Min. Landscaped Area - 25% of Lot</p>
11A	* "E-1"	Multiple Dwellings	<p>Max. Floor Area 1.7 times the area of lot Max. Height - 12 storeys Min. Yards: See By-law Min. Landscaped Area - 25% of Lot</p>
11B	* "E-2"	Multiple Dwellings	<p>Max. Floor Area 1.19 times the area of lot Max. Height - 12 storeys Min. Yards: See By-law Min. Landscaped Area - 25% of Lot</p>
11C	* "E-3"	High Density Multiple Dwellings	<p>Max. Floor Area ranging from 1.7 to 2.55 times the lot area, depending on the size of the lot Max. Height - 18 storeys Min. Yards: See By-law Min. Landscaped Area - 40% of Lot Min. Parking: 80% of Apartment Units</p>
12	"F"	Special Waterfront (Summer Camps, Bathing Pools, Amusement Parks, etc.)	<p>Max. Floor Area for buildings - 1.6 times the area of lot Min. Yards: See By-law Max. Height - 8 storeys</p>
12A	"U"	University	Special regulations for McMaster University
13	* "G"	Neighbourhood Shopping	<p>Max. Height - 2 storeys Min. Yards - See By-law</p>
13A	* "G-1"	Designed Shopping Centre	<p>Min. Lot 4,000 m² (0.99 acres) Max. Height - 3 storeys Min. Yards: See By-law Parking and Manoeuvring area 3 times ground floor area of building</p>
13B	* "G-2"	Regional Shopping Centre	<p>Min. Lot 16.0 ha (39.54 acres) Max. Height - 10 storeys</p>
13C	* "G-3"	Public Parking Lots	1.5 m (4.92 ft) setback and fence required where lot adjoins residential use
13D	* "G-4"	Designed Neighbourhood Shopping Centre	<p>Min. Lot 900.0 m² (9,687.52 ft²) and not more than 4,000 m (0.99 acres) 30.0 (98.43 ft) width Max. Height - 2 storeys Min. Yards: Front 6.0 m (19.69 ft) Side 6.0 m (19.69 ft) Rear 7.5 m (24.61 ft)</p>

14	* "H"	Commercial	Height, Density and Yard Requirements depending on type of structure - See By-law
14A	* "HH"	Restricted Commercial	Min. Lot 360 m ² (3,875.01 ft ²) and 12.0 m (39.37 ft) width (excepting a hotel) Max. Height - 4 storeys Min. Yards: See By-law Min. Parking: See By-law
15	"I"	Central Business	Max. Height - 10 storeys Height, Density and Yard Requirements depending on the type of structure - See By-law
15A	* "HI"	Civic Centre Protected District	Max. Floor Area for buildings 8 times the area of the lot Min. Rear Yard 3.0 m (9.84 ft) Max. Height depending on the type of structure - See By-law
15B	* "CR-1"	Commercial - Residential	Min. Lot 720 m ² (7,750.02 ft ²) Max. Floor Area 2.25 times the lot area Max. Residential Floor Area 1.2 times the lot area Max. Height - 12 storeys Min. Yards: See By-law Min. Landscaped Area - 40% of Lot
15B	* "CR-2"	Commercial - Residential	Min. Lot 1,350 m ² (14,531.28 ft ²) Max. Floor Area 4.25 times the lot area Max. Residential Floor Area ranging from 1.7 to 2.55 times the lot area depending on the size of the lot Max. Height - 18 storeys Min. Yards: See By-law Min. Landscaped Area - 40% of Lot
15B	* "CR-3"	Commercial - Residential	Min. Lot 1,350 m ² (14,531.28 ft ²) Max. Floor Area 8.00 times the lot area Max. Residential Floor Area 2.57 to 2.85 times the lot area depending on the size of the lot Max. Height - 24 storeys Min. Yards: See By-law Min. Landscaped Area - 40% of Lot
16	"J"	Light and Limited Heavy Industrial	Max. Height - 10 storeys Max. Land Coverage: 85% of lot area Min. Yards: See By-law
16A	"JJ"	Restricted Light Industrial	Max. Height - 4 storeys Max. Land Coverage: 75% of lot area Min. Yards: See By-law
17	"K"	Heavy Industrial	Max. Height - 10 storeys Max. Land Coverage: 85% of lot area Min. Yards: See By-law
17A	"KK"	Restricted Heavy Industrial	Max. Height - 4 storeys Max. Land Coverage: 75% of lot area Min. Yards: See By-law
17B	"L"	Planned Development	Interim holding zoning to indicate future use and zoning
17C	* "M-11") * "M-12") * "M-13") * "M-14") * "M-15")	Prestige Industrial Districts	Min. Lot 1,100 m ² (11,840.3 ft ²), width not less than 30.0 m (98.43 ft) Max. Height 2 storeys except for office building or hotel Max. Land Coverage: 60% of lot area

NOTE: 1. Reference should be made to the Zoning By-law for detailed information concerning permitted uses and for the applicable standards relating to height of buildings, lot coverage, etc.

- * 2. Development Plans are required to be submitted and approved for the following zoning districts: "D", "DE", "DE-2", "DE-3", "E", "E-1", "E-2", "E-3", "G", "G-1", "G-2", "G-3", "G-4", "HI", "RT-10", "RT-20", "RT-30", "CR-1", "CR-2", "CR-3", "M-11", "M-12", "M-13", "M-14", "M-15", "HH" and "H" (for restaurants, 1. lodging houses and tourist homes only).

SOURCE OF DATA
1981 ASSESSMENT

THE REGIONAL MUNICIPALITY OF HAMILTON - DEPARTMENT OF PLANNING

POPULATION BY SINGLE YEARS OF AGE, SEX, AND SELECTED AGE GROUPS

AREA REPORTED
6510 CROWN POINT EAST

APPROXIMATE CITY OF HAMILTON

AGE	M	F	M+F	AGE	M	F	M+F	AGE	M	F	M+F	AGE	M	F	M+F
U-1	26	24	49	18	42	46	88	35	39	72	59	69	22	25	50
1	32	40	72	19	39	44	82	36	37	73	65	70	19	29	48
2	42	38	80	20	48	40	87	37	30	67	54	71	20	27	45
3	40	35	75	21	47	42	89	38	31	69	55	72	21	28	46
4	33	32	65	22	42	40	82	39	32	71	56	73	22	18	47
5	33	35	68	23	37	36	73	40	33	73	57	74	23	24	48
6	43	41	84	24	35	37	72	41	32	73	58	75	24	24	49
7	33	35	68	25	36	35	71	42	30	72	59	76	25	22	50
8	30	24	54	26	35	35	70	43	29	72	60	77	26	21	51
9	37	33	70	27	37	37	74	44	27	71	61	78	27	16	52
10	39	39	77	28	47	49	96	45	25	70	62	80	28	13	53
11	46	28	74	29	41	54	95	46	29	74	63	81	29	11	54
12	34	27	61	30	43	42	85	47	27	75	64	82	30	5	55
13	50	30	80	31	43	45	84	48	27	76	65	83	31	14	56
14	38	43	81	32	39	47	87	49	24	73	66	84	32	7	57
15	39	41	80	33	40	45	85	50	23	74	67	86	33	17	58
16	37	41	80	34	36	45	86	51	25	76	68	87	34	7	59
17	31	37	68	35	36	50	86	51	26	77	69	88	35	1	60

AGE GROUP	MALE	0/0	MALE	AGE GROUPS	0/0	FEMALE	MALE	0/0	FEMALE	MALE	0/0	FEMALE	MALE	0/0	FEMALE
0-4	184	6.8	3.3	5-9	162	5.8	2.9	346	6.3	346	6.3	346	6.3	346	6.3
5-9	177	6.5	3.2	10-14	165	5.9	3.0	373	6.8	373	6.8	373	6.8	373	6.8
10-14	206	7.6	3.7	15-19	167	6.0	3.0	432	7.9	432	7.9	432	7.9	432	7.9
15-19	227	8.4	4.1	20-24	205	7.4	3.7	479	8.7	479	8.7	479	8.7	479	8.7
20-24	235	9.2	4.3	25-29	229	8.2	4.2	499	9.1	499	9.1	499	9.1	499	9.1
25-29	208	8.6	3.8	30-34	172	6.2	3.1	437	6.6	437	6.6	437	6.6	437	6.6
30-34	192	7.1	3.5	35-39	147	5.3	2.7	364	5.2	364	5.2	364	5.2	364	5.2
35-39	136	5.1	2.5	40-44	138	5.0	2.5	286	5.0	286	5.0	286	5.0	286	5.0
40-44	139	5.9	2.9	45-49	123	4.4	2.2	316	5.1	316	5.1	316	5.1	316	5.1
45-49	131	5.6	2.7	50-54	106	4.0	2.0	301	5.5	301	5.5	301	5.5	301	5.5
50-54	135	5.0	2.5	55-59	129	4.6	2.3	236	4.1	236	4.1	236	4.1	236	4.1
55-59	107	3.9	1.9	60-64	90	3.2	1.6	149	2.7	149	2.7	149	2.7	149	2.7
60-64	98	3.6	1.1	65-69	65	2.3	1.2	102	1.9	102	1.9	102	1.9	102	1.9
65-69	37	1.4	.3	70-74	43	1.5	.8	60	1.1	60	1.1	60	1.1	60	1.1
70-74	17	.6	.3	75-79											
75-79				80-84											
80-84				OVER-84											
OVER-84				TOTALS	2717	100.0	49.4	2785	100.0	50.6	5502	100.0	2717	100.0	49.4

AGE NOT KNOWN 226
ALL-GRPS 5726

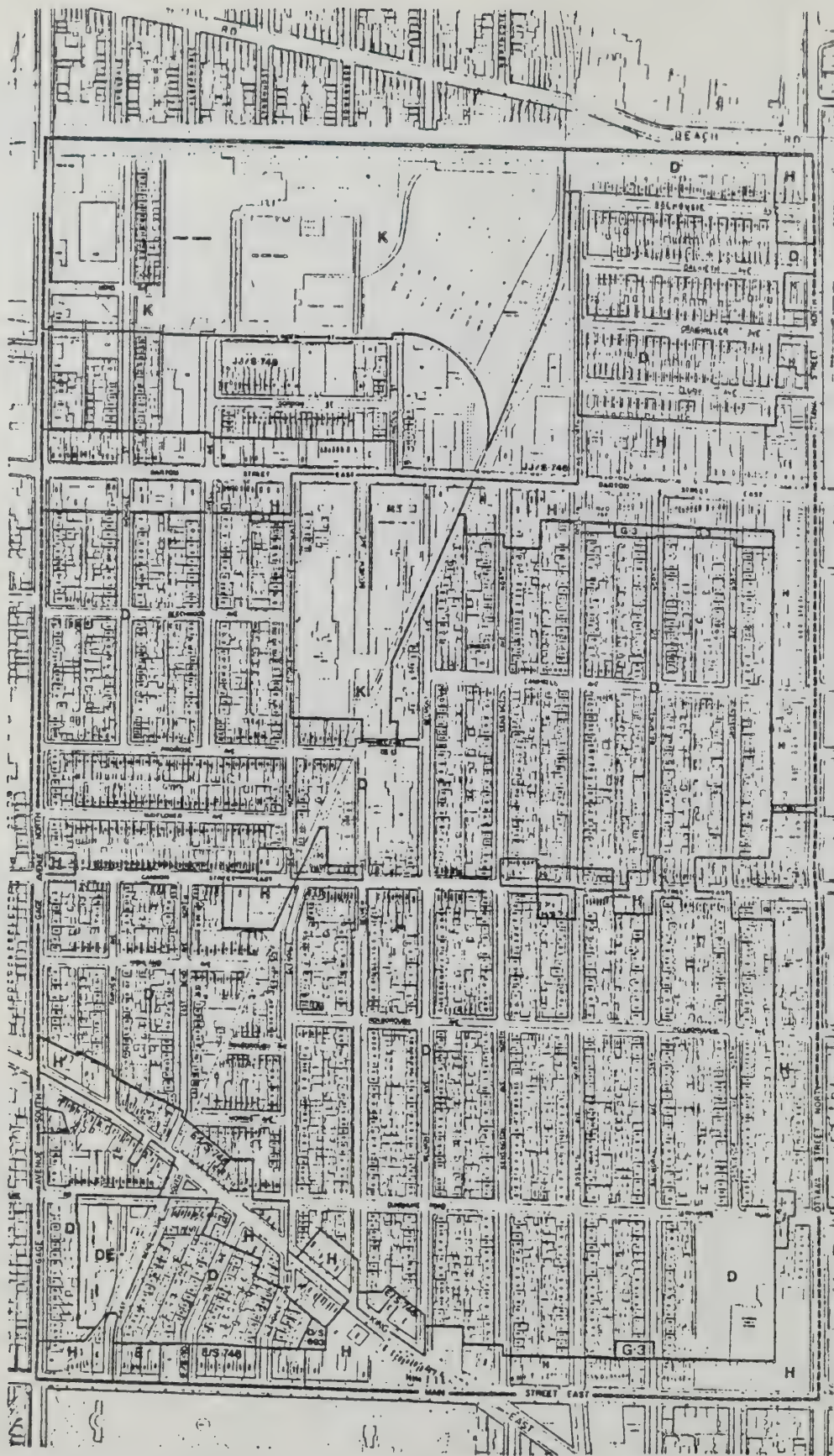
SOURCE OF DATA
1985 ASSESSMENT

THE REGIONAL MUNICIPALITY OF ARLINGTON
POPULATION BY SINGLE YEARS OF AGE, SEX, AND SELECTED AGE GROUPS AREA REPORTED
6605 CROWN POINT WEST

AGE	Y	F	M+F	AGE	M	F	M+F	AGE	M	F	M+F	AGE	M	F	M+F
U-1	30	35	65	AGE	M	F	M+F	AGE	M	F	M+F	AGE	M	F	M+F
1	30	34	64	1	10	50	60	1	47	38	85	1	40	27	67
2	30	33	63	2	10	56	66	2	50	42	92	2	41	31	72
3	30	32	62	3	10	53	63	3	50	42	92	3	41	31	72
4	30	31	61	4	10	53	63	4	50	42	92	4	41	31	72
5	30	31	61	5	10	53	63	5	50	42	92	5	41	31	72
6	30	31	61	6	10	53	63	6	50	42	92	6	41	31	72
7	30	31	61	7	10	53	63	7	50	42	92	7	41	31	72
8	30	31	61	8	10	53	63	8	50	42	92	8	41	31	72
9	30	31	61	9	10	53	63	9	50	42	92	9	41	31	72
10	30	31	61	10	10	53	63	10	50	42	92	10	41	31	72
11	30	31	61	11	10	53	63	11	50	42	92	11	41	31	72
12	30	31	61	12	10	53	63	12	50	42	92	12	41	31	72
13	30	31	61	13	10	53	63	13	50	42	92	13	41	31	72
14	30	31	61	14	10	53	63	14	50	42	92	14	41	31	72
15	30	31	61	15	10	53	63	15	50	42	92	15	41	31	72
16	30	31	61	16	10	53	63	16	50	42	92	16	41	31	72
17	30	31	61	17	10	53	63	17	50	42	92	17	41	31	72

AGE GROUP	MALE	0/0	MALE	AGE GROUPS	MALE	0/0	MALE	AGE GROUP	MALE	0/0	MALE	AGE GROUP	MALE	0/0	MALE
0-4	243	7.4	3.7	5-13	459	14.0	6.9	14-16	262	8.0	4.0	19-25	454	13.8	6.9
5-9	260	7.9	3.9	14-16	262	8.0	4.0	19-25	454	13.8	6.9	26-40	773	23.6	11.7
10-14	225	7.0	3.3	19-25	454	13.8	6.9	26-40	773	23.6	11.7	41-64	770	23.5	11.6
15-19	225	7.0	3.3	26-40	773	23.6	11.7	41-64	770	23.5	11.6	OVER-64	318	9.7	4.8
20-24	225	7.0	3.3	41-64	770	23.5	11.6	OVER-64	318	9.7	4.8	TOTALS	3279	100.0	49.6
25-29	225	7.0	3.3	TOTALS	3279	100.0	49.6								
30-34	225	7.0	3.3												
35-39	225	7.0	3.3												
40-44	225	7.0	3.3												
45-49	225	7.0	3.3												
50-54	225	7.0	3.3												
55-59	225	7.0	3.3												
60-64	225	7.0	3.3												
65-69	225	7.0	3.3												
70-74	225	7.0	3.3												
75-79	225	7.0	3.3												
80-84	225	7.0	3.3												
OVER-84	225	7.0	3.3												
TOTALS	3279	100.0	49.6												

AGE NOT KNOWN 422
ALL-GRPS 7034



71	72	73
126	35	34
12	37	36

This is not a Legal Document
For Zoning Violation Please
Contact City Building Department

----- Neighborhood Boundary
----- Zoning Boundary

Prepared for The City of Hamilton
By the Planning and Development Department

CITY OF HAMILTON

CROWN POINT WEST

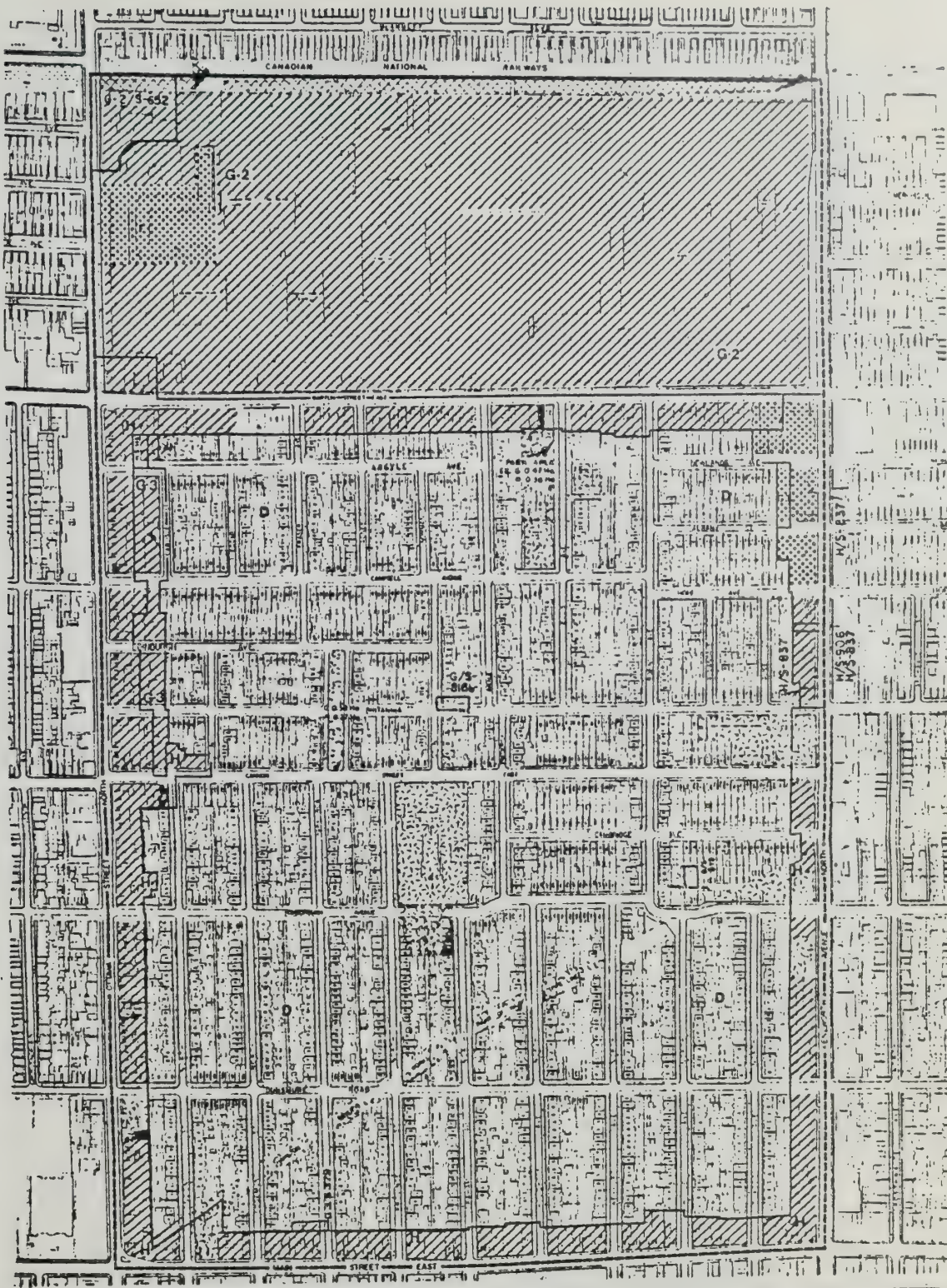
ZONING



65/76

JUNE 1985

79



EXISTING POPULATION (1969) 7426
 (1970) 7347
 (1971) 7399
 (1972) 7196
 (1973) 6924
 (1974) 6688
 (1975) 6462
 (1976) 6397

WATER WORKS Total Gross 1.38 Ha.
 RIGHT-OF-WAY Total Net 0.96 Ha.

NOTE: A PARK AREA OF 1 TO 2 ACRES TO BE
 LOCATED NORTH OF CANNON STREET E.
 THE EXACT LOCATION TO BE DETERMINED
 WHEN FUNDING IS AVAILABLE

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apte.
- medium density apte.
- high density apte.
- commercial & apte.

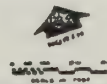
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

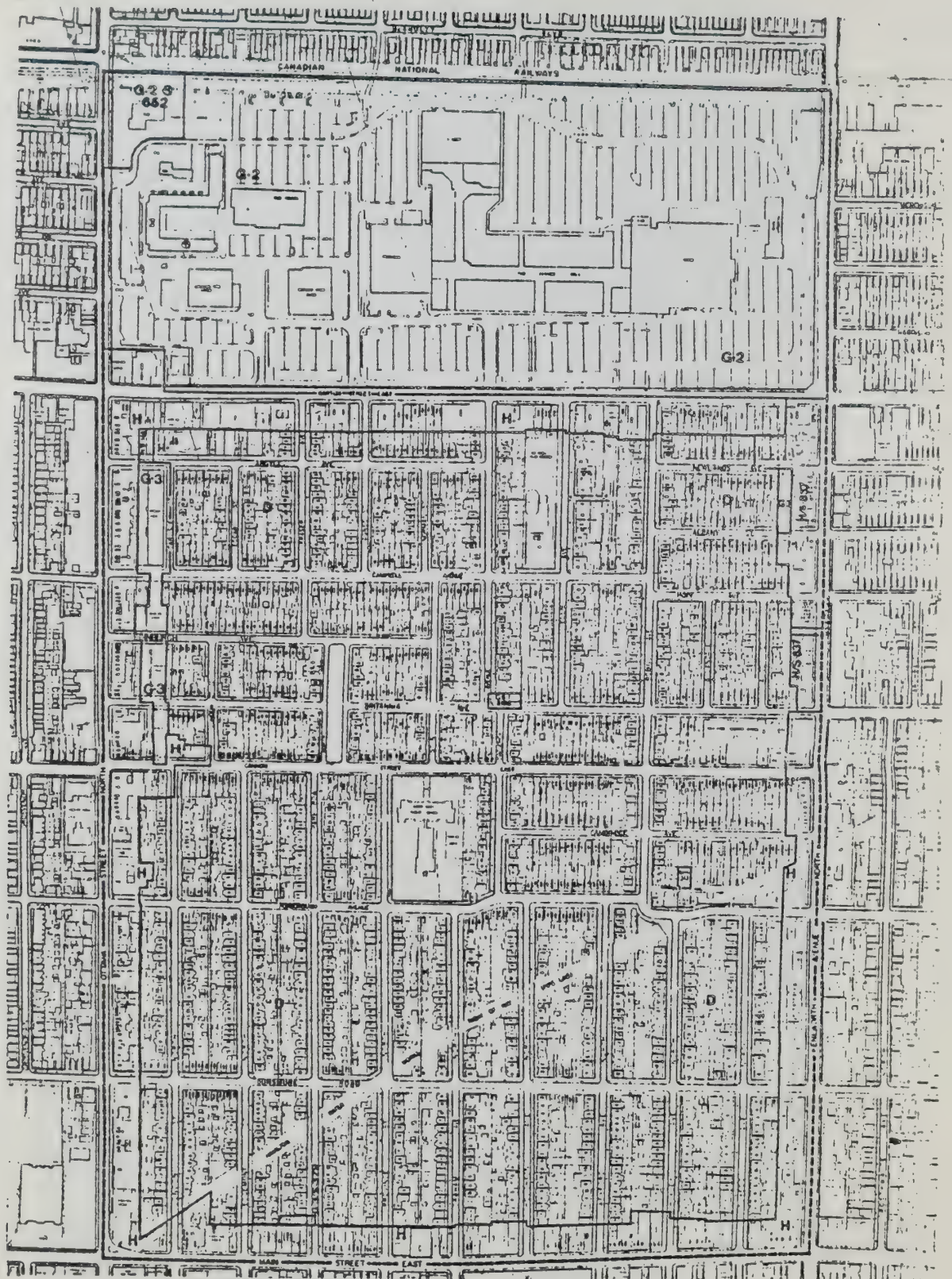
- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approved
 Planning Bd. FEB. 13/80 Council MAR. 11/80
 Revisions

CITY OF HAMILTON
 PLANNING DEPARTMENT

CROWN POINT EAST
 APPROVED PLAN





72	73	74
36	34	66
37	36	9

This is not a Legal Document
For zoning verification please
Contact City Building Department

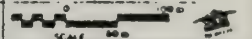
--- Hydrographical Boundary
--- Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department
at Hamilton, Ontario

CITY OF HAMILTON

CROWN POINT EAST

ZONING



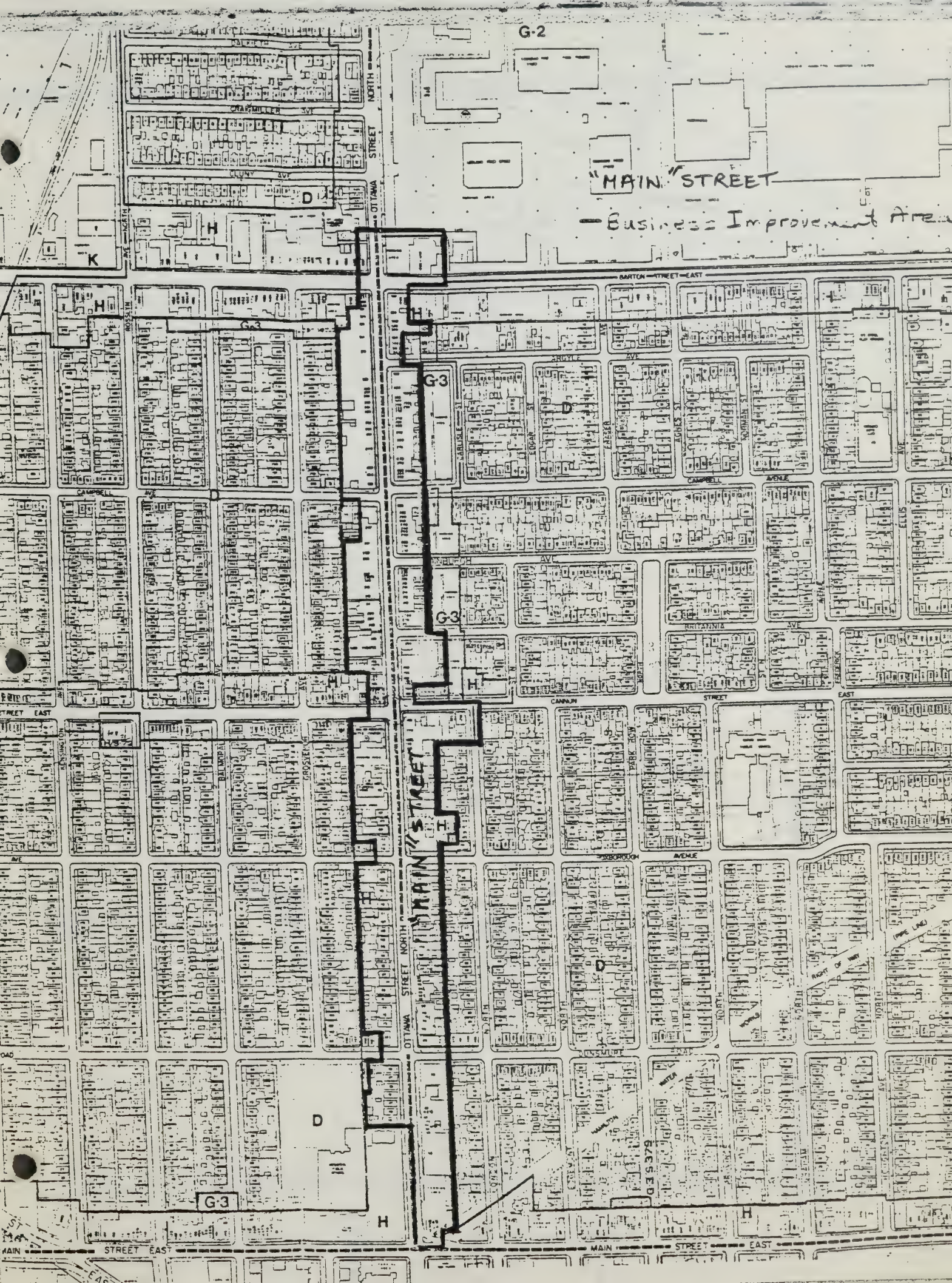
6510

June 1985

G-2

"MAIN" STREET

Business Improvement Area



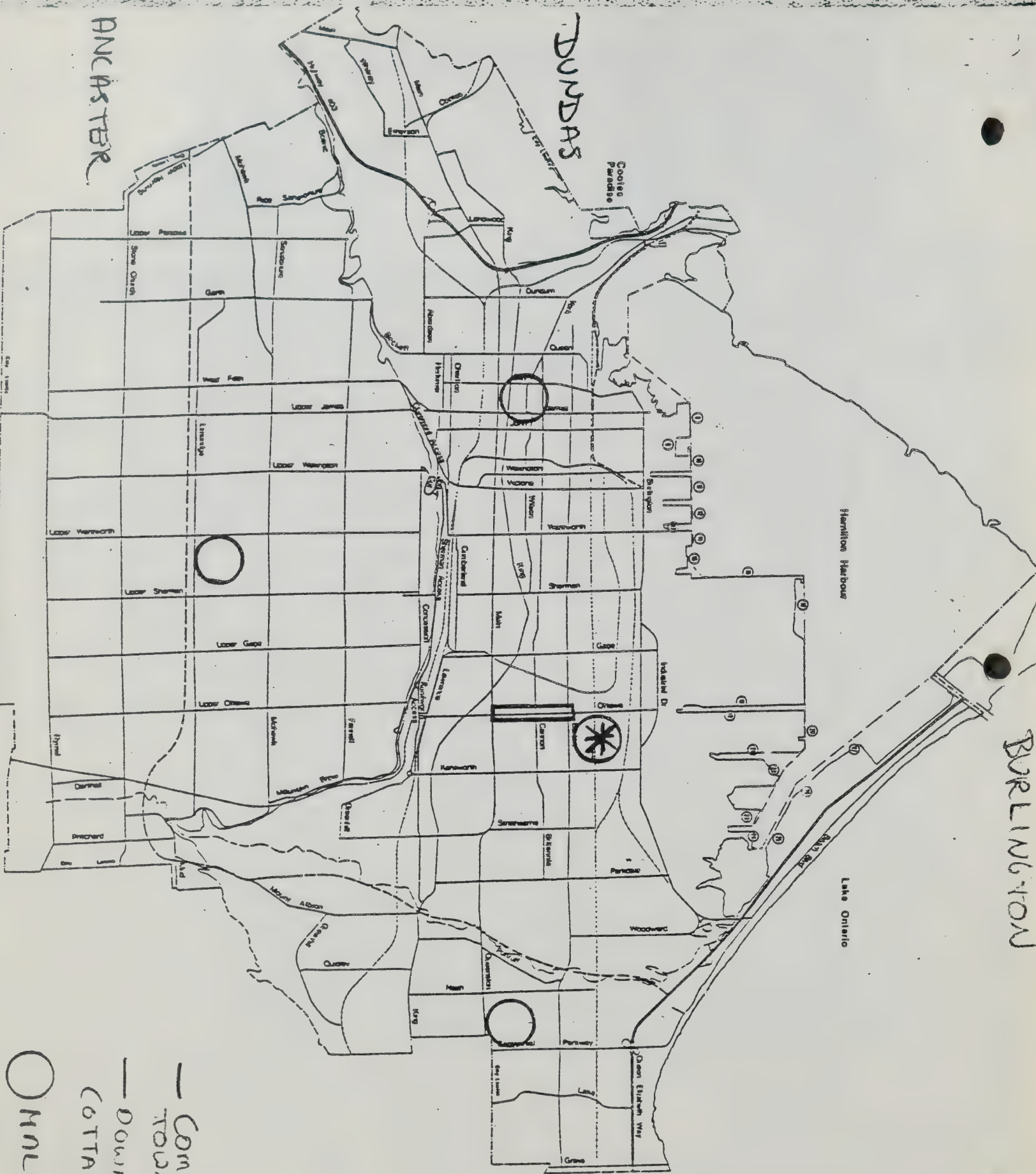
BURLINGTON

Hamilton Harbour

Lake Ontario

DUNDAS

ANCHASTER



GRIMSBY

STONEY CREEK

ST. CATHARINES

COMPETING TOWNSHIPS

— DOWNTOWN (OTTAWA ST.)

○ MILLS

Circularization
list

- was attached
here in original
submission to
Main St.

MAIN STREET CANADA COMMUNITY SELECTION QUESTIONNAIRE

Part 2: THE DISTRICT

We suggest this part of the questionnaire be filled out by a member of your downtown business community.

Name of community: Ottawa Street North

Province: Ontario

1. What is the population of your town or city's trading or catchment area? 12,762

2. How many people in your community work in a different city? N/A

3. What percentage of your downtown's trading area shops in town? 60 %
What percentage of your downtown's trading area shops elsewhere? 40 %

4. Is there a highway bypass adjacent to or near your community? Yes
If yes, does this bypass make your downtown more or less accessible to commuters, or make no difference? more
Are changes in your community's regional highway system planned by the community or province? (If yes, explain.) No

5. Please name and give the populations of your neighbouring communities with populations of 3,000 to 25,000. A neighbouring community is one which has some impact on your community, or over which your community has some impact, and which is a reasonable driving distance from your community.
Since the Ottawa Street Community is not a downtown area, it has numerous neighbouring communities which can affect it. Attached you will find a list of only the major neighbouring communities and their populations.

Name of person completing Sections 2: Gerald Carrey

Title or occupation: Executive Secretary of the Board (B.I.A)

Address and telephone: 84 Ottawa Street North

Hamilton, Ontario

(416) 545-3353

Neighbouring Communities Affecting Ottawa Street

Community

Population

Dundas

20,000

Ancaster

17,020

Burlington

96,230

Grimsby

16,600

Stoney Creek

42,450

East
Downtown Hamilton

89,821

Hamilton Mountain

92,566

West Hamilton

88,873

MAIN STREET CANADA COMMUNITY SELECTION QUESTIONNAIRE

Part 3: THE HUMAN RESOURCES

We suggest this part of the questionnaire be filled out by a member of your downtown business community.

Name of community: Ottawa Street North

Province: Ontario

1. Is there an active business organization downtown? yes
If yes, when was it established? Dec. 1985
What percentage of downtown businesses belong? 100 %
Is membership compulsory? Yes
Has the organization been involved in some sort of attempt to strengthen the downtown in past years (eg. street improvements, organizing a business group, joint advertising, promotion)? Yes
Are there active service groups in your community (eg. Rotary, Kiwanis, Lions, Kinettes, Jaycees, etc.)? Yes
Is there a city-wide business organization in your community (eg. a Chamber of Commerce or Board of Trade)? Yes
2. Do any downtown businesses attempt to capitalize on the historical character of their business or building (eg. a business which advertises having "served the community since 1879," or being in the "historic Elk Block")? Yes
3. Has a local developer proposed redevelopment of a major building or area of downtown in the past ten years? Yes
If yes, was the project successfully completed? Yes
Under whose initiative was the project initiated (eg. the city, the developer, etc.)? Owner
4. Is there presently or proposed a policy statement by the Mayor and council to encourage the revitalization of downtown? If yes, please attach a copy of the policy statement. Yes
5. Has your provincial government endorsed the concept of downtown revitalization through local initiative? Yes
6. Have public improvements been carried out downtown (eg. lighting improvement, sidewalk improvement, street furniture, etc.)? No
Has your city or town administration been involved in creating incentives or inducements for the improvement of downtown (eg. tax reforms, zoning and bylaw revisions, public works, etc.)? Yes
If yes, outline briefly. Yes

Name of person completing Section 3: Gerald Carrey

Title or occupation: Executive Secretary of the Board (B.I.A.)

Address and telephone: 84 Ottawa Street North

Hamilton, Ontario

(416) 545-3353

12/10/85

Bill No. C-142

Part 3#4 - Policy Statement

The Corporation of the City of Hamilton

BY-LAW NO. 86 - 31

To Designate:

An Improvement Area

GENERALLY COVERING OTTAWA STREET NORTH BETWEEN
MAIN STREET EAST AND EXTENDING TO AN AREA NORTH OF BARTON STREET EAST

WHEREAS subsection 217(1) of The Municipal Act,
R.S.O. 1980, Chapter 302, provides that the council may
pass a by-law designating an area as an improvement area;

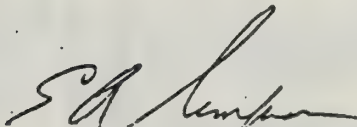
AND WHEREAS no objections were received pursu-
ant to a Notice of Intention to Designate the improvement
area hereinafter referred to, sent on September 13, 1985
in accordance with subsection 217(2) of the said Act;

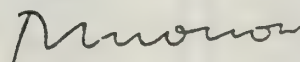
AND WHEREAS it is intended to pass a by-law
designating the said area as an improvement area in ac-
cordance with subsection 217(1) of the said Act.

NOW THEREFORE the Council of The Corporation
of the City of Hamilton enacts as follows:

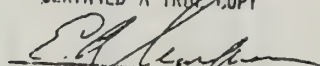
1. The area more particularly described in Schedule
"A" and shown on Schedule "B" is hereby designated as an
improvement area.

PASSED this 10th day of December A.D. 1985.

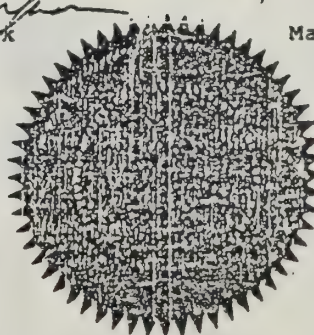

City Clerk


Mayor

CERTIFIED A TRUE COPY


City Clerk

(1985) 24 R.P.D.C. 30, August 27



APPLICATION PROCEDURE

Applicant reviews proposed facade improvements with the Department of Community Development

Application submitted to Department of Community Development with two estimates of the costs of the proposed improvements

Inspection by Building Department of proposed improvements and structural condition of the building i.e., roof, foundation, also eligible for funding

Loan application reviewed by Department of Community Development with input from Business Improvement Area Committee and in cases of heritage buildings, the City's Planning Department

Recommendation made by Department of Community Development to the Planning and Development Committee and City Council

Loan commitment given and improvements begin

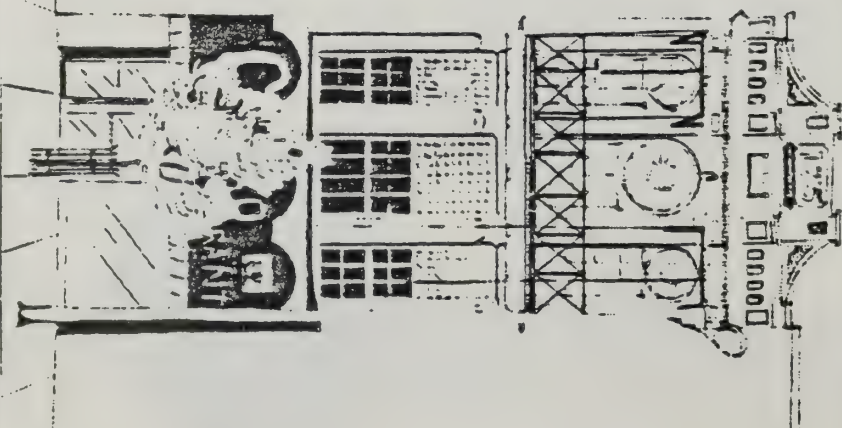
Progress payments issued after inspection

Upon final payment a Lien is registered and payments commence

FOR MORE INFORMATION CONTACT:

CITY OF HAMILTON
DEPARTMENT OF
COMMUNITY DEVELOPMENT
71 MAIN STREET WEST
HAMILTON, ONTARIO
L8N 3T4
TELEPHONE:
526-4540

CITY OF HAMILTON
FACADE IMPROVEMENT
LOAN PROGRAMME



City of Hamilton
Department of
Community Development

PURPOSE

The City of Hamilton is providing assistance to rehabilitate and improve the facades of commercial buildings in the Business Improvement Areas (B.I.A.'s)

ASSISTANCE AVAILABLE

The loan covers 100% of eligible improvement costs including exterior rehabilitation, to a maximum of \$15,000. per municipal address or, \$50,000. per owner.

The interest rate on the loan is one-half of the prime interest rate at the Bank of Commerce on the date the loan agreement is signed.

The loan is amortized over a maximum of 10 years and secured by a lien on title.

The loan is to be repaid on a monthly basis, but no penalty is given for full repayment before the term of the loan

The loan may be transferred to a new owner providing that the new owner meets and agrees to the terms and conditions of the loan.

CONDITIONS

The applicant must be the registered owner of the commercial property and located in a Business Improvement Area.

Each property is eligible for only one loan.

All of the facade improvement loans must be approved by the Planning and Development Committee and City Council.

There are no restrictions on demolitions except that any outstanding loans must be repaid to the municipality. If the building has a Heritage Designation, further restrictions may apply.

Loan commitments are valid for one year and expire if the work is not completed within that time period.

ELIGIBLE IMPROVEMENTS

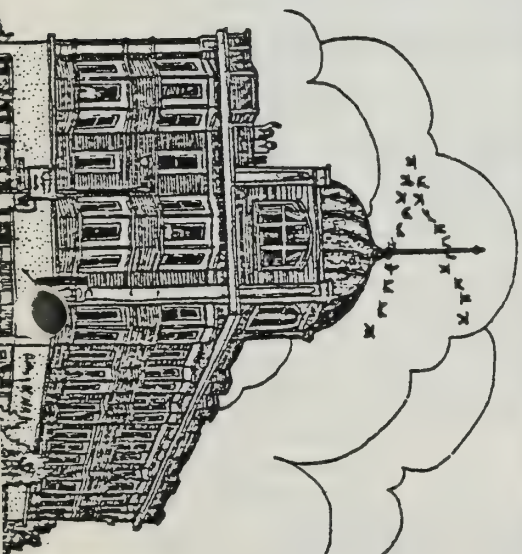
Eligible improvements will be determined on an individual basis.

Only exterior renovations are eligible.

Professional fees (architects, engineers, solicitors, etc.), are an eligible expense.

The type of improvements which may qualify for assistance include:

- repainting
- repointing masonry or brickwork
- repairing cornices and other architectural details
- redesigned store fronts
- removal of inappropriate signage
- installation of appropriate new signage
- window repair and restoration
- restoration of original facade appearance
- canopies and awnings



MAIN STREET CANADA COMMUNITY SELECTION QUESTIONNAIRE

Part 4: THE HISTORICAL RESOURCES

We suggest this part of the questionnaire be filled out by a member of your local historical society, architectural preservation group or similar organization, if one exists.

Name of community: Ottawa Street North
Province: Ontario

1. What was the most prosperous period in your community's history (eg. 1895 to 1910)? 1950 - 1955
2. What percentage of buildings now standing downtown date from this period? *NOTE 1 %
3. How many tourists visit your community on an annual basis? *NOTE 2

What is the major tourist attraction(s) in your community? Please use the attraction's name (eg. Old Forge Museum; Crescent Park; Lake Manitou; George Stirling House; etc.).
Shopping tours - Textiles

4. What was the traditional or historic business role of your community? Choose one, or rank in order of importance:

Shopping or retail centre	<u>#1</u>
Manufacturing/industrial centre	<u>#2</u>
Governmental centre	<u></u>
Other (specify)	<u></u>

5. Has your organization or other group published an architectural guide or walking tour of your city or town? If yes, when and by whom? *NOTE 3

Have guided walking tours of downtown ever been offered in your community? If yes, when and by whom? *NOTE 4

6. How often does your organization or society meet? *NOTE 5

Name of person completing Section 4: Diane Whatmough
Title or occupation: Manager, Ottawa Street B.I.A.
Address and telephone: 326 1/2 Ottawa Street North
Hamilton, Ontario L8H 4A1
(416) 544-5822

* With reference from "A Historical Report", prepared by Angela Monaco, December 1986.

*NOTE 1 : The percentage of buildings dating from this period is undetermined at present, as more records have to be checked to find this data.

*NOTE 2 : Tourists (meaning overnight stayers to visit a "tourist attraction") are not attracted to Ottawa Street. It is the "day-trippers" who are out for a shopping tour that have come to visit Ottawa Street to date. It has been mostly through the larger fabric stores, that ladies tour groups have come to shop in the many fabric stores on the street. It has only been the last few months that a conscious effort, put forth by the B.I.A. staff, that has attracted more shopping tours to the area. Agressive marketing through mailouts is now being undertaken to attract bus companies to bring tours to visit not only the textiles but our many "Specialty" shops and services. At this early date in this program, I cannot give a fair estimate of how many of these bus groups we will attract in the following year.

*NOTE 3 : We have put together a tour brochure, which informs the bus groups of the many specialty shops we have on Ottawa Street.

*NOTE 4 : Any bus group that informs us of their arrival, will have a B.I.A. staff member available to them to locate textile stores, various specialty shops and restaurants on Ottawa Street.

*NOTE 5 : The B.I.A. has regular monthly Board meetings and at least two general membership meetings a year. Other meetings and seminars are called if need be.

FINANCIAL SUPPORT

In Main Street Canada, up to 70 communities which show an aptitude and interest in the approach will be selected to participate in the programme. Each community must either have an existing Main Street programme or confirm its willingness and ability to initiate one.

In applying for the programme, it is expected that the community will demonstrate that it can raise the funds necessary to ensure the project will be maintained for a period of at least three years. The funds can originate from various sources: the community itself, the various levels of government, private donors, etc.

Anticipated Financial Support:

Community-based support:	Municipal	\$*NOTE 6	/yr	
	BIA/BID/BIDC, etc.	* \$99,000	/yr	*NOTE 7
	Private (specify)	\$	/yr	
	Other (specify)	\$	/yr	
Provincial support:	Provincial Mainstreet Prog.	\$	/yr	
	Other Provincial Prog. (specify)	\$	/yr	
Federal support:	Federal Programme (specify)	\$ 250,000	/yr	*NOTE 8
Other support:	Corporate funding	\$	/yr	
	Foundation funding	\$	/yr	
	Other (specify)	\$	/yr	

*If "Community Development" includes public improvements and promotion which is normally included in the BIA budget, this amount would not require any funding because the funding is already included in the BIA budget.

Main Street Canada will offer the community a wide variety of services, all based on the practical experiences drawn from the demonstration projects over the past four years. Their services will be free of charge to the communities selected for Main Street Canada for a period of three years. After three years, it is anticipated that the community will be in a position to continue the revitalization process itself under the initiative developed by the Main Street Canada Programme.

Applicant: Diane Whatmough, Ottawa Street B.I.A.

Title or occupation: B.I.A. Manager

Address and telephone: 326 1/2 Ottawa Street North
Hamilton, Ontario
L8H 4A1

741611-544-5822

*NOTE 6 : The Ottawa Street B.I.A. has applied to the city of Hamilton for Commercial Area Improvement plan funding. A total of \$500,000 is available each year for five years starting in 1987 to be divided among all B.I.A.s in Hamilton. Ottawa Street has applied for funding from this in 1987 and is planning to apply for this funding in 1988 and 1989. Streetscape revitalization will be the main thrust of usage for this funding.

*NOTE 7 : A figure of \$99,000 is the B.I.A. budget for the 1987 year. This budget pays for the salary of the full time manager and streetcleaner and offices for this full time staff and for government project staff.

*NOTE 8 : A Job Development and Section #38 manpower projects have been utilized by the B.I.A. in 1987. Staff from both these projects are paid and trained through this grant money. Some office and equipment rental and supplies are received through this funding as well. Funding from these projects totals approximately \$250,000 in 1987.

3b.

FOR ACTION

FROM E. W. Kowalski, Director
Department of Community Development

TO Planning and Development Committee

DATE 1987 May 20

OHRP 2519

Refer To File No. HDCP 72

Attention Of _____

Your File No. _____

SUBJECT

Grants for the Handicapped, Mrs. Helen Shaw, 139 Barons Avenue North.

RECOMMENDATION

1. That a grant and repayable loan in the amount of four thousand two hundred and seventy-five dollars (\$4,275.) be approved for Mrs. Helen Shaw, 139 Barons Avenue North, for the adaptation of her home for her handicap.
2. That subject to approval, the Lien be registered on Title indicating that a forgivable grant in the amount of two thousand one hundred and thirty-eight dollars (\$2,138.) be earned over a five (5) year period, and the balance of two thousand one hundred and thirty-seven (\$2,137.) be repaid to the Corporation of the City of Hamilton at the time of the sale of the property. The interest rate on the repayable portion will be zero percent.

E. Kowalski

BACKGROUND

Attached are the following:

1. A letter from K. Johnson, Occupational Therapist, Chedoke-McMaster Hospitals, outlining the needs of Mrs. Shaw.
2. Two estimates of the work required for the adaptation of the unit. One estimate is in the amount of \$4,275.

Mrs. Shaw initially made application under the Ontario Home Renewal Programme. As per the terms of the Programme, the property was inspected under Property Standards By-law 74-74, and this inspection revealed that additional work was required. The cost of the work to comply with the terms of the Property Standards By-law was twelve hundred dollars (\$1,200.) and this was provided to Mrs. Shaw by way of a loan in the amount of twelve hundred dollars (\$1,200.). Mrs. Shaw's present family income is \$10,200.

The Department of Community Development recommends that the Planning and Development Committee and City Council approve the Handicap Grant in the amount of four thousand two hundred and seventy-five dollars (\$4,275.) as per the previously agreed to formula of fifty percent (50%) grant and fifty percent (50%) repayable loan at the time of the sale of the property at zero percent (0%) interest.

Operating Division
CHEDOKE HOSPITAL
Senatorium Road, Hamilton
L8N 3Z5
(416) 521-2100

Chedoke-McMaster Hospitals

Box 2000, Station 'A', 1200 Main Street West, Hamilton, Ontario L8N 3Z5 (416) 521-2100

1772. (OP 257)
RAP 2514
Operating Division
McMASTER UNIVERSITY
MEDICAL CENTRE
1200 Main Street West, Hamilton
L8N 3Z5
(416) 521-2100

January 19, 1986

Community Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4.

Attention: Mr. R. Deverson, Housing Loan Officer.

Dear Mr. Deverson:

re: Mrs. Helen Shaw
139 Barons Avenue North
Hamilton.
Phone: 529-2107

Mrs. Shaw is a sixty year old woman who has had severe resistive deforming rheumatoid arthritis for eleven years. Your department has been instrumental in bringing Mrs. Shaw's home up to property standards. Thanks to your assistance, the house is now ready for modifications which will help her to be as independent as possible.

ESTIMATED
COST.

The following home restorations are required:

- ①. An expanded back porch is strongly recommended because Mrs. Shaw has difficulty walking and climbing stairs, and rough terrain is a problem. Because of this she will be unable to use her backyard for relaxation and household activities. In addition, Mrs. Shaw's limited mobility makes community access very difficult. Without a porch, it is unlikely that Mrs. Shaw will get out of the house except for infrequent occasions.
- 2). Sills at front and back door should be removed and replaced with interlocking bubbles because existing sills present a safety hazard to Mrs. Shaw. She is unable to comfortably lift her feet over the present sills and there is a possibility that she may trip.
- 3). Door knobs at front and back door should be replaced with lever type handles so that Mrs. Shaw can independently open and close her own doors.
- 4). The front steps should be adapted with an extended landing and half steps because Mrs. Shaw has great difficulty managing standard stairs. Half steps will be difficult for Mrs. Shaw, but they will make it possible for her to independently exit her home. This is required for safety as well as comfort.

Please continue to assist Mrs. Shaw in this matter. Her income is limited and she still has two dependent sons at home. It is essential that she continue to be as independent as possible.

TOTAL COST.

/cont'd. ... 2.

Affiliated with the

Faculty of Health Sciences, McMaster University

2,400.

85.00

140.00

1,650.00

4,085.00

Please feel free to call Karen Johnson, occupational therapist, at 521-2100 extension 7132 if you have any questions or require further information.

Sincerely yours,

Karen Johnson OT

Karen Johnson, O.T.
Occupational Therapy Department
Chedoke-McMaster Hospitals
Chedoke Hospital Division.

Y. Kassam

Y. Kassam, M.D.
Rheumatologist.

K. G BAIRD GENERAL CONTRACTING LTD.
611 BAYSHORE BLVD.
BURLINGTON ONT
L7T-1S9. ph. 521-2767.

APR. 24, 87

Karl Baird

KJ:mm.

~~64 Main Street, Hamilton, Ontario L8N 1P5~~

~~Telephone (416) 388-6895~~

General Delivery, Binbrook, Ontario L0R 1C0
692-5690

April 2, 1987

Mr. J. Shaw
139 Baron's Ave. N.
Hamilton, Ontario

Dear Mr. Shaw;

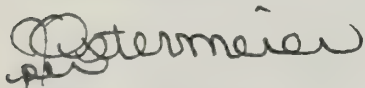
Re: Community Development
Estimate per spec's:

With reference to our telephone conversation of today's date, enclosed is our estimate to complete the renovation's as per the specification's provided by yourself.

- 1) Construct a pressure treated deck 10' x 14', using 2" x 8" joist's, 16" on centre and 2" x 6" decking.
Complete with 40' ramp with necessary wheel chair rail's, railing. \$3,250.00
- 2) Remove sill's at front and back door's and lengthen door to fill gap using necessary weather-strip and sweep. \$400.00
- 3) Replace front and back door knob's with commercial quality lever type handle's. \$210.00
- 4) Construct new wood stair's at front over existing concrete, with minimum 4" rise, completer with handrail's.
Reconstruct front concrete walk to suit Mrs. Shaw's need's. \$1,800.00

Thanking you for the opportunity to quote on these repair's, I remain

your's truly ,


Peter Ostermeier
Diamond Contracting,

P0/jo

3(c)

FOR ACTION

FROM Mr. E. W. Kowalski, Director,
Community Development DATE 1987 May 20

TO Planning and Development Committee Refer To File No. 800-0016.7

Attention Of _____

Your File No. _____

SUBJECT

Commercial Facade Loan Programme

RECOMMENDATION

- (i) That the Planning and Development Committee recommend to the Executive Committee that the Commercial Facade Loan Programme be proceeded with at an estimated gross cost of eight hundred thousand dollars (\$800,000.) as provided for in the 1987 portion of the 1987-1991 Capital Budget as Project Numbers 36002-A and 36002-B.
- (ii) That the Treasurer be requested to recommend to the Executive Committee, the amount and source of funds to be provided for this Capital Project.

E. Kowalski

BACKGROUND

The Department of Community Development in a report to the Planning and Development Committee dated 1986 September 10, received approval to include in the 1987-1991 Capital Budget an additional amount of \$600,000. for the implementation of the Commercial Facade Loan Programmes in Business Improvement Areas. The Department had previously included in our 1986-1990 an amount of \$300,000. but because of the number of B.I.A.'s and demand for the Programme, additional funding was required.

The Capital Budget was subsequently approved and the Department of Community Development now requests that the necessary funding be provided.

c.c. Mr. J. Schatz, Secretary,
Executive Committee

c.c. Mr. E. C. Matthews, Treasurer
Att: Mr. B. Hotrum, Treasury Officer

3(d)

FOR ACTION

Mr. E. W. Kowalski, Director,
Community Development

1987 May 20

FROM

DATE

Planning and Development Committee

Refer To File No. 800-0300.10

TO

Attention Of

Your File No.

SUBJECT

Ontario Home Renewal Programme for the Disabled (OHRP-D)

RECOMMENDATION

That the Mayor and City Clerk be authorized to execute an Operating Agreement acceptable to the Legal Department and the Department of Community Development for the implementation of the Provincial Government's Ontario Home Renewal Programme for the Disabled (OHRP-D).

E. Kowalski

BACKGROUND

The Province of Ontario requested the Department of Community Development to attend a meeting on 1987 May 15 to discuss the terms and regulations of the proposed OHRP-D. In attendance along with the City of Hamilton were representatives of the Cities of Toronto and Ottawa and the Township of Osgoode. The municipalities provided input for delivery of the programme which would be considered prior to the Minister of Housing formally announcing the new programme.

The Province of Ontario will be budgeting 3.2 million dollars over two (2) years for owners of property to provide accessibility for the handicapped. The capital funding will be administered Provincially on a first come first serve basis.

The programme will provide grants of up to \$15,000. for accessibility work for owners of property whose income is less than \$45,000. adjusted, per year. If the owners income is more than \$45,000. but less than \$60,000. the owner is eligible for a grant on a sliding scale. The grant is reduced by one dollar for every dollar earned over \$45,000. The owner can also borrow up to the maximum of \$15,000. at 10% interest, amortized over a ten (10) year period. There is no income limit on the loan portion.

BACKGROUND continued

The Programme is to be delivered by municipalities and agency fees are provided at \$700. per final application, and for loans which are not finalized, a sliding scale of recoveries is provided. It should be noted that as a requirement of the programme, the property must conform to Property Standards By-law 74-74. If the owner does not qualify for assistance under any of the available rehabilitation programmes, then those items would have to be brought up to standards with the owners financial capabilities. The programme can be "piggy-backed" with other loan programmes providing the same work is not covered twice. The municipal representatives were assured that the terms and conditions of the Ontario Home Renewal Programme were going to be revised to better reflect present market conditions. A meeting to discuss these changes was tentatively set-up for June of this year.

The above programme applies to owner occupied units while the Provincial Low Rise Programme has been extended to provide additional assistance to landlords who wish to adopt units for the disabled. The programme provides additional grants of up to \$5,000. per unit with no requirement that the owner contribute, unless the per unit costs exceed \$5,000.

The terms of the programme require that professional expertise be sought in determining the needs of the handicapped applicants and it was suggested that occupational therapists be used whenever possible. The City of Hamilton already uses Hamilton Wentworth Home Care to provide this service under the existing handicapped programme. The Department of Community Development has already received assurances from Home Care that they will fully co-operate with the City in the delivery of the new programme.

During the course of the meeting it became apparent that the Province would not be in a position to implement or receive applications for approximately sixty (60) days. The City will also be required to sign an Operating Agreement which at this time has not been finalized. In order for the City of Hamilton to take advantage of the programme to the fullest extent based on the limited funds, the Department requests that City Council authorize the Mayor and City Clerk to execute the Operating Agreement upon approval of the Department of Community Development and Legal Department.

The Department, has of this date, ceased taking applications under the existing handicapped programmes since all owners will be better off under the new programme. We are also discussing the implementation of the programme with other social agencies in the City as well as the inspection procedures with the Building Department.

Mr. K. A. Rouff, City Solicitor
c.c. Legal Department

4a

F O R A C T I O N

FROM D. A. Powers, City Solicitor's Office
TO Chairman and Members
Planning & Development Committee
Attention: Mrs. S. K. Reeder, Secretary

DATE 1987 April 30
Refer To File No. 1-45.14(3)
Attention Of D.A. Powers
Your File No. _____

SUBJECT

- City's Ground Lease to Lakeview Development Ltd.
- Amending Agreement dated November 26, 1986 to confirm adjustments to rent

RECOMMENDATION

The City enter into an Agreement dated November 26, 1986 with Lakeview Development Ltd. in the form annexed hereto as Schedule "A" to confirm the following:

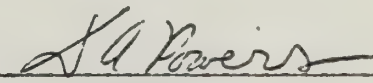
(a) That construction of the Hotel was completed as of January 1, 1986 and that as of that date, Lakeview's rent shall be \$33,000.00 per annum. (Section 3.03 of the Ground Lease states that Lakeview's rent is \$19,200.00 per annum during construction of the Hotel and \$33,000.00 per annum after construction is completed.)

(b) That the sum of \$1,677,965.00 was the amount of the Capital Cost of the Hotel's sub-basement and storage the City paid to Lakeview in accordance with Section 5.01 of the November 19, 1981 Development Agreement between Lakeview and the City.

(c) That the above mentioned \$1,677,965.00 Capital Cost that Lakeview is required to pay back to the City during years 11 to 20 of the Lease, be adjusted for inflation with the base year of 1984, when the Consumer Price Index for Canada was 122.3.

Note: The May 3, 1983 Ground Lease between the City and Lakeview requires (in sec.3.03) Lakeview to enter into this Agreement to confirm these matters.

DAP:lb



D. A. Powers
for K. A. Rouff
City Solicitor

BACKGROUND

During construction of the Hotel (1983 to 1985), the Ground Lease (sec.3.03) provides that Lakeview's rent is \$19,200.00 and that upon completion of construction, rent is \$33,000.00. To confirm the January 1, 1986 date at which Lakeview's rent increases, the Ground Lease (sec.3.03) requires the City and Lakeview to enter into this Agreement.

Mr. D. C. Freeman, former City Architect and Co-ordinator, L. D. Jackson Square, has advised that the effective date at which Lakeview's construction should be considered as completed and the rent increased - is January 1, 1986. Lakeview agrees with this date and since January 1, 1986, has paid rent at the rate of \$33,000.00 per annum.

The Ground Lease (sec.3.03) also requires Lakeview and the City to confirm by Agreement the amount of the City's investment in the construction of the sub-basement and storage level of the Hotel, as well as the Consumer Price Index figure in the year during which this Capital Cost was ascertained. The attached Agreement will confirm \$1,677,965.00 as the amount of the City's investment and that the Consumer Price Index for Canada in 1984 was 122.3.

attach.

c.c. Mr. D. W. Vyce, Director of Property

c.c. Mr. E. C. Matthews, City Treasurer

AGREEMENT dated this 26th day of November, 1986.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON,

Hereinafter called the "Lessor" or the "City"

OF THE FIRST PART

- and -

LAKEVIEW DEVELOPMENT LTD.,

Hereinafter called the "Lessee" or "Lakeview"

OF THE SECOND PART

WHEREAS:

(a) Lakeview and the City have entered into and registered on title to the leasehold land described in Schedule "A" attached hereto, a Development Agreement, dated November 19, 1981, registered as Instrument No. 292836 C.D.; Agreement dated August 3, 1982, registered as Instrument No. 292837 C.D.; Closing Agreement dated May 3, 1983, registered as Instrument No. 292838 C.D.; and an Agreement dated July 29, 1983, registered as Instrument No. 292840 C.D.

(b) The City, as owner of the land described in Schedule "A" attached hereto, has entered into a Ground Lease dated May 3, 1983 with Lakeview as lessee (registered as Instrument No. 271066 C.D.), which Lease was amended by further Agreement dated July 29, 1983, registered as Instrument No. 292840 C.D. and a further Agreement dated May 3, 1983 (Closing Agreement), registered as Instrument No. 292838 C.D.

(c) The Development Agreement and the Ground Lease have both been further amended by:

(i) an Agreement dated November 1, 1984, among the lessor, the lessee and Citibank Canada and the City, registered as Instrument No. (the "Citibank Agreement"); and,

(ii) an Agreement dated August 21, 1985, entered into between the lessor and the lessee and registered as Instrument No. 164283 L.T.

(d) Pursuant to sec.5.01 of the Development Agreement (registered as Instrument No.292836 C.D.) the Lessor has paid to the Lessee for the Capital Cost of the sub-basement and storage, namely the sum of \$1,667,965.00 being comprised of \$1,283,050.00 in construction costs together with an additional 30% thereof, namely \$384,915.00 for the Lessee's interest, overhead, supervision and all other costs and expenses in the construction of the sub-basement and storage. The full and final amount of this Capital Cost of the sub-basement and storage payable by the Lessor to the Lessee, namely \$1,667,965.00 was finally ascertained in 1984 and the final payment thereof was made by the Lessor to the Lessee in 1985.

1987 February 11

(e) Pursuant to sec.3.03(a)(iii) of the Ground Lease dated May 3, 1983, the Lessee shall pay as additional rent to the Lessor during years eleven to twenty of the lease term on the terms and conditions specified therein, the \$1,677,965.00 Capital Cost of the sub-basement and storage.

(f) Section 3.03(a)(i) and (ii) provides that after the date of completion of the construction of the Improvements, the basic rent shall include, during the balance of the first period of the term, the sum of \$32,800.00 per annum payable in advance in monthly instalments of \$2,733.33.

(g) Section 3.03 of the Ground Lease dated May 3, 1983 further states, in part:

"Once the date of completion of the construction of Improvements, the Capital Cost of the Sub-Basement and Storage and the denominator of the Index Ratio have been determined either by agreement or by arbitration, the Lessor and the Lessee agree that they will execute an agreement confirming and recording them as so determined and such agreement shall be supplemental to and shall form a part of this lease."

(h) This is the Agreement contemplated by the above quoted portion of sec.3.03 of the Ground Lease.

NOW THEREFORE in consideration of the sum of ONE DOLLAR (\$1.00), now paid by each of the parties to the other, (the receipt of which is hereby acknowledged), the parties hereto agree as follows:

1. The date of completion of the construction of the Improvements as referred to in sec.3.03(a)(i) of the Ground Lease and for the purposes of section 3.03(a)(i) and (ii), is hereby agreed to be the first day of January 1986.

Accordingly, the sum of \$32,800.00 per annum payable in advance in monthly instalments of \$2,733.33 provided for in sec.3.03(a)(ii) of the Ground Lease dated May 3, 1983 shall be included in the basic rent due the Lessor as of January 1, 1986 and thereafter, during the balance of the first period of the term.

2. (a) The Capital Cost of the sub-basement and storage payable by the Lessor to the Lessee was finally ascertained in 1984 under the provisions of sec.5.01 of the Development Agreement as the sum of \$1,667,965.00 and pursuant to sec.5.01, this sum was paid in full by the Lessor to the Lessee in 1985.

The Lessee hereby acknowledges receipt in full of the payment of this Capital Cost to the Lessee by the Lessor, the last payment having been received in 1985.

(b) In accordance with and upon the terms and conditions of sec.3.03(a)(iii) of the Ground Lease, this \$1,677,965.00 Capital Cost shall be paid by the Lessee to the Lessor in years eleven to twenty of the lease term as additional rent.

(c) As referred to in sec.3.03(a)(iii), the denominator of the Index Ratio as of 1984 (the year when the Capital Cost of the sub-basement level and storage payable by the Lessor to the Lessee was finally ascertained), namely the Consumer Price Index for Canada as of 1984, is 122.3.

(d) In the event that if at any time or times prior to the re-payment in full of the said Capital Cost of \$1,667,965.00 by the Lessee to the Lessor, there is a change in the present base year of the Consumers' Price Index for Canada as determined by Statistics Canada or any successor body, namely the base of 100 as at June 1981, it is agreed that appropriate change(s) will be made to the Consumer Price Index figure of 122.3 referred to in sub-section (c) above.

3. This Agreement shall be supplemental to and form part of the Ground Lease dated May 3, 1983.

4. Time shall remain of the essence of the Ground Lease amended by this Agreement.

5. This Agreement shall be registered by Lakeview on the Schedule "A" leasehold land forthwith after the execution of this Agreement.

6. COUNTERPARTS.

This Agreement may be executed in several counterparts each of which, when executed by the parties, shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE
CITY OF HAMILTON

Mayor

City Clerk

LAKEVIEW DEVELOPMENT LTD. LTD.

SCHEDULE "A"

(Attached to and forming part of a certain Agreement dated November 26, 1986 entered into between The Corporation of the City of Hamilton and Lakeview Development Ltd.)

Parcel 1-2 in the Leasehold Parcel Register for Section W-39(c) in the Land Titles Office for the Land Registry Division of Wentworth

-being the whole of the said Parcel

IN the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Lots 1, 2 and part of unnumbered Lot in Block 1, part of Lots 1, 2 and part of unnumbered Lot being in the Block bounded by King, Park, Market and MacNab Street, according to Plan No. 39 (David Kirkendall's Survey), registered in the Land Registry Office for the Registry Division of Wentworth and part of Park Street, according to said Plan No. 39, as stopped up and closed by By-law 81-14 of The Corporation of the City of Hamilton, registered in the said Land Registry Office as Instrument No. 174954 C.D. designated as PART 1 on Reference Plan 62R-7454, deposited in the Land Registry Office for the Land Titles Division of Wentworth, at Hamilton.



5a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 May 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 10.1.91(4509)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Lease by the City - 22 Tiffany Street
to Mr. Phillip Italiano

RECOMMENDATION

- (1) That the City terminate the lease for the vacant lot at 22 Tiffany Street with Mrs. Victoria Italiano effective May 1, 1987.
- (2) That the City lease the vacant lot at 22 Tiffany Street to Mr. Phillip Italiano, 16 Tiffany Street at an annual rental of \$450.00 (including taxes - 1987 - \$424.49) commencing July 1, 1987 for landscaping and parking purposes, said amount to be credited to account 0405-E7- 1019 (Land Acquisition and Clearance of Substandard Properties).

The area to be leased is serviced with a concrete approach and gravel provided by the lessee to the satisfaction of the Director of Public Works.

- (3) That the City Solicitor be authorized and directed to prepare the necessary lease.

BACKGROUND - Page 2

BACKGROUND

This lot was leased to Mrs. Victoria Italiano who is deceased. Her husband wishes to continue to lease the land for parking and landscaping purposes.

The property was purchased under the Municipal Incentive Grant Programme established for the acquisition and clearance of substandard residential units found during the implementation of the Residential Loan Programme and the Property Standard By-Law 74-74.

The subject property is composed of part of Lot 10, Block 1, Plan 119, having a frontage along the easterly limit of Tiffany Street of 24 feet more or less, by a depth of 150 feet more or less, shown outlined in red on the attached plan.

Attch.

c.c. - Mr. K.A. Rouff, City Solicitor

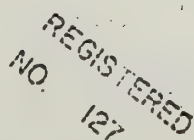
- Mr. E.C. Matthews, City Treasurer

- Mr. M. Chidley, Regional Surveyor

- Mr. J. Pavelka, Director of Public Works

- Mr. E.W. Kowalski, Director of Community Development

TIFFANY



127



5b.
MAY 13 1987

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 May 13
Name & Title
FOR ACTION ☒ FOR INFORMATION ☐ File No. 40.15.53(4505.)
TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Request for Extension of the Construction Commencement Date

RECOMMENDATION

That Angelo Salciccioli be granted an extension of the construction commencement date from March 5, 1987 to September 30, 1987 on Parts 1 and 2, Plan 62R-7820 (5 Goderich Road) in the Kenora Industrial Park.

BACKGROUND

This department has received a request from the owner of Parts 1 and 2, Plan 62R-7820, Angelo Salciccioli for an extension of their building commencement date. Mr. Salciccioli has informed this department that he has had delays in obtaining detailed construction drawings and has incurred difficulties in getting prices from contractors but anticipates to commence construction in early fall.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. P.Kuppe, Building Commissioner



5c.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 May 20
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 40.15.62(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Sale - Parts 15 & 16, Plan 62R-7820
Keefer Court - Tuite Construction Ltd.

RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton located on Keefer Court duly executed on May 19, 1987 by the Purchaser, Tuite Construction Ltd. and scheduled for closing on October 19, 1987, be approved and completed.

The purchase price is \$63,150.00. A deposit cheque in the amount of \$6,315.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the southern limit of Keefer Court having a frontage of 26.314 metres (86.332 feet) by a depth of 92.310 metres/59.586 metres (302.854 feet/195.489 feet) and containing an area of 3,407.8 m² (.842 acres).

The completion of this Offer to Purchase is conditional upon the following terms being met prior to closing:

- 1) The Purchaser at his own expense obtaining soil tests to determine the load bearing capabilities of the subject lands for the construction of the Purchaser's proposed building.
- 2) The Purchaser at his own expense receiving site plan approval for his project from the City.
- 3) It is understood and agreed by the Purchaser and Vendor that the completion of this transaction is subject to the Vendor receiving a release satisfactory to the City Solicitor of the Offer to Purchase agreement pertaining to Parts 15 and 16, Plan 62R-7820 dated February 26th, 1987 between Jim Pattison Industries Ltd. operating as Mountain City News and the City of Hamilton.

RECOMMENDATION - Continued...

All conditions contained herein are for the benefit of the Purchaser and may be waived by it in its sole and absolute discretion. If the Purchaser is unable to obtain the above mentioned approvals and is not prepared to waive said conditions, then on receipt of written notice to the Vendor or its solicitor on or before October 9th, 1987 advising that such conditions were unable to be met, then this Agreement shall be null and void and neither party shall have any further rights and obligations and the deposit shall be returned to the Purchaser without interest.

It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission to Dunn Realty Ltd., whose agent Mr. Jack Dunn acted in this matter.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

RAB
for DWyce

BACKGROUND

This department has received an inquiry from Jack Dunn of Dunn Realty Ltd. as to the possibility of his clients (Tuite Construction Ltd.) purchasing a 3/4 acre lot on Keefer Court. The purchaser plans to build an 8,000 square foot building for lease purposes.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor
 - Mr. S. Ghanem, Director of Economic Development

- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:
- (a) to pay municipal, realty and business taxes;
 - (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
 - (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
 - (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
 - (e) to pay building permit application fee;
 - (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
 - (g) to pay for the connection of all utilities to the premises;
 - (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
 - (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
 - (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.
- 6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.
- 6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:
- 1. That the grantee shall commence construction of a building, having a minimum building area of 8,000 square feet, upon the hereinbefore described land by not later than April 19th, 1988
- Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.
- 2. That the grantee shall complete construction of the said building not later than April 19th, 1989
- The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.
- 3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear

Continued.....1(b)

of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid (if any) by the City to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

OFFER TO PURCHASE

TUITE CONSTRUCTION LTD.

c/o Mr. James McKeon

Barrister & Solicitor

245 Wilson St. East

I/We

P.O. Box 7260

of the City of Hamilton

Ancaster, Ontario L9G 3N6

in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,

hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 27, Concession 1, formerly in the Township of Saltfleet, said parcel of vacant land more particularly described as Parts 15 and 16 on Plan 62R-7820 having a frontage on the southern limit of Keefer Court of 26.314m (86.332') by a depth of 92.310m/59.586m (302.854'/ 195.489') and containing an area of 3407.8m² (.842 Acres) subject to an easement in favour of the Regional Municipality of Hamilton-Wentworth and Bell Canada over Part 15, Plan 62R-7820 as shown in heavy outline on the attached plan.

at the price of SIXTY-THREE THOUSAND, ONE HUNDRED & FIFTY---DOLLARS (\$ 63,150.00-----) of lawful money of Canada, payable as follows:-

- (a) A deposit of SIX THOUSAND, THREE HUNDRED & FIFTEEN--DOLLARS (\$ 6,315.00-----) by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely FIFTY-SIX THOUSAND, EIGHT HUNDRED AND THIRTY-FIVE-----DOLLARS (\$ 56,835.00-----) with interest as hereinafter provided, and subject to adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 19th day of May 1987, by a letter mailed or delivered to the Purchaser at the above address.
- 2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser: in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:

1. That the grantee shall commence construction of a building, having a minimum building area of 8,000 square feet, upon the hereinbefore described land by not later than April 19th, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the grantee shall complete construction of the said building not later than April 19th, 1989

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear

Continued.....1(b)

of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid (if any) by the City to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

7. This transaction shall be closed on or before the 19th day of October 1987 in accordance with Schedule "A" attached hereto which forms a part of this agreement.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission to Dunn Realty Ltd., whose agent Mr. Jack Dunn acted in this matter.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Memphr this 19 day of May 19 87

SIGNED, SEALED AND DELIVERED)

TUITE CONSTRUCTION LTD.

in the presence of

(Seal)

(Seal)

(Seal)

Name of Purchaser's Solicitor

Mr. James McKeon

245 Wilson St. East

P.O. Box 7260

Address of Purchaser's Solicitor

Ancaster, Ontario

L9C 3N6

3/27/84

SCHEDULE "A"

Parts 15 & 16
Plan 62R-7820

TUITE CONSTRUCTION LTD.

The completion of this Offer to Purchase is conditional upon the following terms being met prior to closing:

- 1) The Purchaser at his own expense obtaining soil tests to determine the load bearing capabilities of the subject lands for the construction of the Purchaser's proposed building.
- 2) The Purchaser at his own expense receiving site plan approval for his project from the City.
- 3) It is understood and agreed by the Purchaser and Vendor that the completion of this transaction is subject to the Vendor receiving a release satisfactory to the City Solicitor of the Offer to Purchase agreement pertaining to Parts 15 and 16 Plan 62R-7820 dated February 26th, 1987 between Jim Pattison Industries Ltd. operating as Mountain City News and the City of Hamilton.

All conditions contained herein are for the benefit of the Purchaser and may be waived by it in its sole and absolute discretion. If the Purchaser is unable to obtain the above mentioned approvals and is not prepared to waive said conditions, then on receipt of written notice to the Vendor or its solicitor on or before October 9th, 1987 advising that such conditions were unable to be met, then this Agreement shall be null and void and neither party shall have any further rights and obligations and the deposit shall be returned to the Purchaser without interest.

DATED at Hamilton this 19 day of May 1987

WITNESS:

TUITE CONSTRUCTION LTD.

KENORA

ESTABLISHED BY BY-LAW NO. 66-113 APRIL 12, 1966 INST 9436 A B

LINE BETWEEN TOWNSHIP LOTS 27 & 28

AVENUE

ESTABLISHED BY BY-LAW NO. 82-125 MAY 8, 1982 INST 216220 C C

COURT

KEEPER

TOWNSHIP

SALT FLEET

PART I

PART II

PART III

PART IV

PART V

PART VI

PART VII

PART VIII

PART IX

PART X

PART XI

PART XII

PART XIII

PART XIV

PART XV

PART XVI

PART XVII

PART XVIII

PART XIX

PART XX

PART XXI

PART XXII

PART XXIII

6.

FOR ACTION

FROM Planning and Development Department
TO Planning and Development Committee

DATE May 13, 1987
Refer To File No. ZA 87-23
CENTRAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District for the properties located at Nos. 185-191 Hess Street North. The purpose of the proposed modification is to permit the development of the subject lands for 2 storey building containing commercial on the first floor and 3 dwelling units above.

RECOMMENDATIONS

1. That Zoning Application 87-23, Joseph Campanella, owner, requesting a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District to permit the development of the subject lands for a 2 storey building containing commercial on the first floor and 3 dwelling units above, for the properties located at Nos. 185-191 Hess Street North, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:
 - i) the residential component of the development is incompatible with the auto body shop at the rear of the subject lands.
 - ii) the land is zoned and designated industrial in the Approved Central Neighbourhood Plan.
2. That approval be given to an amended Zoning Application 87-23, Joseph Campanella, owner, requesting a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District, to permit the development of the subject lands for a 3 storey commercial building, for the properties located at Nos. 189-191 Hess Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "JJ" (Restricted Light and Limited Heavy Industry) District regulations as contained in Section 16A of Zoning By-Law No. 6593 applicable to the subject lands, as amended by By-law Nos. 76-145 and 76-203, be further modified to include the following variances:

- a) That notwithstanding Section 16A(1), commercial uses contained within the "M-11" and "M-12" Districts shall be permitted.
- b) That notwithstanding Section 16A(2), no building or structure shall exceed 3 storeys.
- c) That notwithstanding Section 16A(3), the minimum front yard shall be 3.0 m.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-450a, and that the subject lands on Zoning District Map W-3 be notated S-450a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

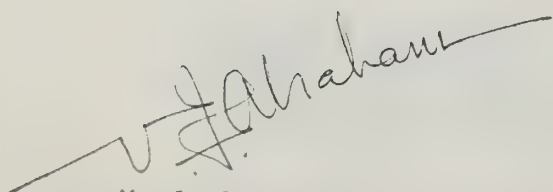
EXPLANATORY NOTE

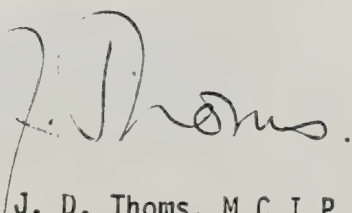
The purpose of this By-Law is to provide for a further modification to the "JJ" (Restricted Light and Limited Heavy Industry) District for the properties located at Nos. 185-191 Hess Street North, shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit the development of the subject lands for a 2 storey commercial building.

In addition, the By-law provides for the following variances:

- o to permit a building having a maximum of 3 storeys instead of the permitted 4 (Section 16A(2)).
- o to permit a minimum front yard of 3 m instead of required 6 m (Section 16A(3)).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Joseph Campanella, owner.

LOT SIZE AND AREA

- o 22.98 m (75.4 ft.) of lot frontage
- o 24.84 m (81.5 ft.) of lot depth
- o 570.85 m² (6,144.79 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Two family dwelling	"JJ" (Restricted Light and Limited Heavy Industry) District
<u>Surrounding lands</u>		
To the north	Row Houses	"JJ" (Restricted Light and Limited Heavy Industry) District
To the south	Baptist Mission Office	"JJ" (Restricted Light and Limited Heavy Industry) District
To the east	Single and two family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
To the west	Auto body shop	"JJ" (Restricted Light and Limited Heavy Industry) District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". The Central Policy Area provides for a wide range in uses including residential, commercial, industrial, etc. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Industrial" in the approved Central Neighbourhood Plan. The proposal does not conflict with the intent of the Central Neighbourhood Plan.

CENTRAL AREA PLAN

The subject lands are designated "Mixed Use" in the Central Area Plan. The proposal complies.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority has no objection.
- o The Building Department has advised that variances are required.
- o The Traffic Department has advised that:

"We have reviewed the above application and have no objections to the proposed Zoning Amendment, however, we would suggest that the site be placed under site plan control in order to ensure proper access and maneuvering space is provided to the rear of the site. The applicant should also be advised that a minimum 6.0 m access will be required to the rear of the property."

- o LACAC has advised that:

"The above zoning application was reviewed by LACAC's Research Sub-Committee at its last meeting on Thursday, March 19. The Committee did not consider the house at 185-187 Hess St. North to be worthy of listing and therefore is not opposed to its demolition. The proposal to build a 3-storey residential/commercial building on this site was approved in theory. However, in order to ensure that the new development would be visually compatible with the existing older residential streetscape, it was recommended that the zoning change, if approved, be made subject to site plan approval."

- o The Hamilton Wentworth Engineering Department has advised in part that:

"A minimum setback of 3.0 m be provided between the building and the Hess Street street limits. This setback of 3.0 m will provide for a sidewalk in front of the building with landscaping instead of using the Hess Street road allowance and will also provide for adequate sight visibility for vehicles entering the street should the sidewalk be relocated to the street limits.

The driveway is intended to be ± 15 feet which would not allow for two way traffic movement.

The lands should either be developed through site plan control or plans outlining the treatment, landscaping of the road allowance, etc. should be submitted for our review and approval." (See attached letter for full comments).

COMMENTS

1. The application submitted by the applicant requesting a two storey building with commercial on the ground floor and three residential dwelling units above cannot be supported for the following reasons:
 - a) the residential component of the development is incompatible with the autobody shop at the rear of the subject lands; and,
 - b) the land is zoned and designated industrial in the approved Central Neighbourhood Plan.
2. A three storey commercial building is preferable to a mixed commercial/residential building for the following reasons:
 - a) it would not adversely affect the surrounding land uses including residential to the east and north and Industrial to the west;
 - b) the redevelopment of lands would enhance the area;
 - c) the commercial uses permitted within the "M-11" and "M-12" (prestige Industrial Districts) are compatible with the industrial uses permitted in the "JJ" District;
 - d) The proposal complies with the Official Plan;
 - e) The proposal does not conflict with the intent of the approved Central Neighbourhood Plan; and,
 - f) The proposal complies with the Central Area Plan.
3. Approval of the amended application would require the following variances:
 - o Permitted Uses (Section 16A)

The "JJ" District permits limited commercial uses. Therefore, additional commercial uses are required. Those uses permitted in the "M-11" and "M-12" Districts would be compatible with the Industrial District. The variance may be supported.
 - o Building Height (Section 16A)

The maximum number of storeys permitted is 4. In order to ensure greater compatibility with the surrounding uses, a maximum of 3 storeys should be required.
 - o Front Yard (Section 16A)

A front yard setback of 6 m is required. The depth of the site is only 25 m; a 6 m setback would severely limit development on the site. In addition, the houses to the north and east have front yards less than 6 m.

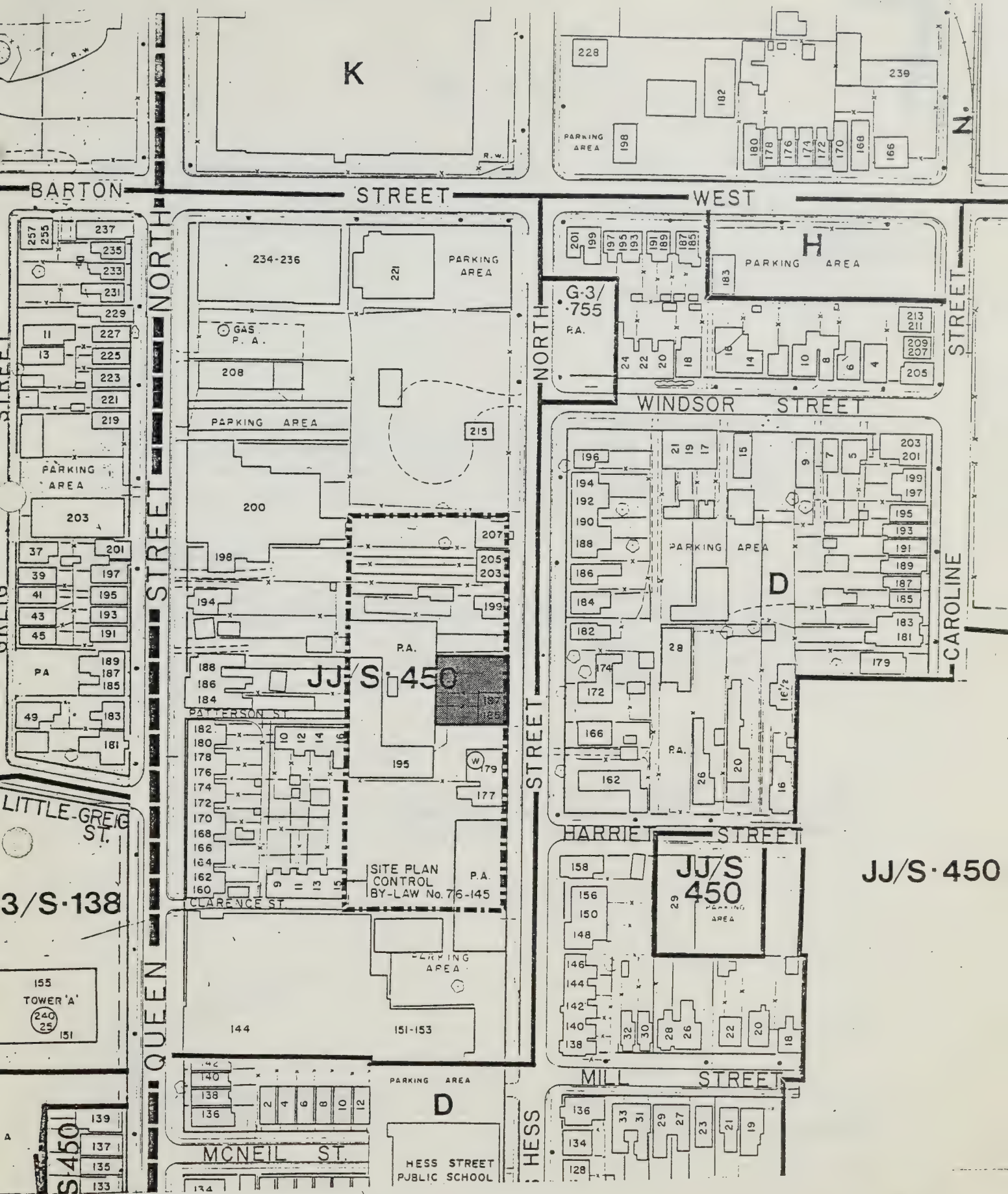
4. As a result of By-laws No. 76-145 and 82-220, the subject lands have been placed under Site Plan Control. Matters such as parking, access, landscaping will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the amended application can be supported.

J.H.:nd

W.P. DOC. 0484P



LEGEND

 SITE OF APPLICATION

 ZA87-23

7.

F O R A C T I O N

FROM Planning and Development Department
TO Planning and Development Committee

DATE May 4, 1987
Refer To File No. ZA-87-30
ROLSTON
NEIGHBOURHOOD

Attention Of V. J. Abraham

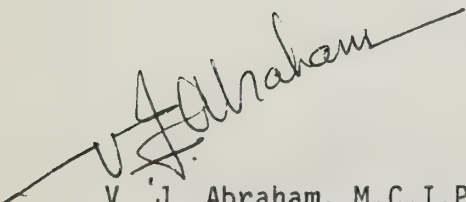
SUBJECT

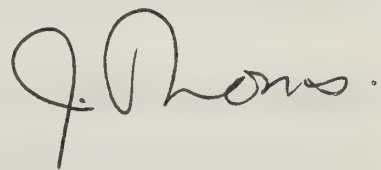
Request for a modification to the "C" (Urban Protected Residential, etc.) District for the property located at No. 271 Mohawk Road West. The purpose of the proposed modification is to legalize the existing real estate office located within an existing single family dwelling.

RECOMMENDATION

That Zoning Application 87-30, David Sa, owner requesting a modification to the "C" (Urban Protected Residential, etc.) District, to legalize the existing real estate office located within an existing single family dwelling, for the property located at No. 271 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) it has been established as an illegal use;
- b) the commercial use does not comply with the Official Plan or the approved Rolston Neighbourhood Plan which designate the property residential and it represents an intrusion into an established residential area;
- c) it will set a precedent for future similar applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

David Sa, owner

LOT SIZE AND AREA

- o 12.19 m (40 ft.) of lot frontage
- o 38.22 m (125.4 ft.) of lot depth
- o 465.92 (5,015.34 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding lands</u>		
To the north, south, east and west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The Official Plan permits Local Commercial uses provided that they serve the daily retail needs of the surrounding residents and are primarily dependent on pedestrian access. As such, the proposal does not comply. A site specific amendment to create a special policy area would be required to permit the proposal.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double Housing" in the approved Rolston Neighbourhood Plan. A redesignation from "Single and Double Housing" to "Commercial" is required to permit the proposal.

BACKGROUND

A chiropractor office was established at 271 Mohawk Road West as a "home occupation" prior to 1981. The office became a legal non-conforming use in 1981 when the definition of "home occupation" was changed to delete medical and dental offices. The chiropractor moved from the premises in 1986.

A real estate office moved into the house and is operating as a commercial business. The Building Department issued an order to comply against the property on January 9, 1987.

The applicant applied to the Committee of Adjustment (A.87:45) to establish a real estate office as a home occupation, notwithstanding that a secretary employed upon the site is not a member of the family residing on the premises. The application was denied.

COMMENTS RECEIVED

- o The Building Department has advised that the real estate office is not permitted except as a home occupation.
- o The Traffic Department has advised that:

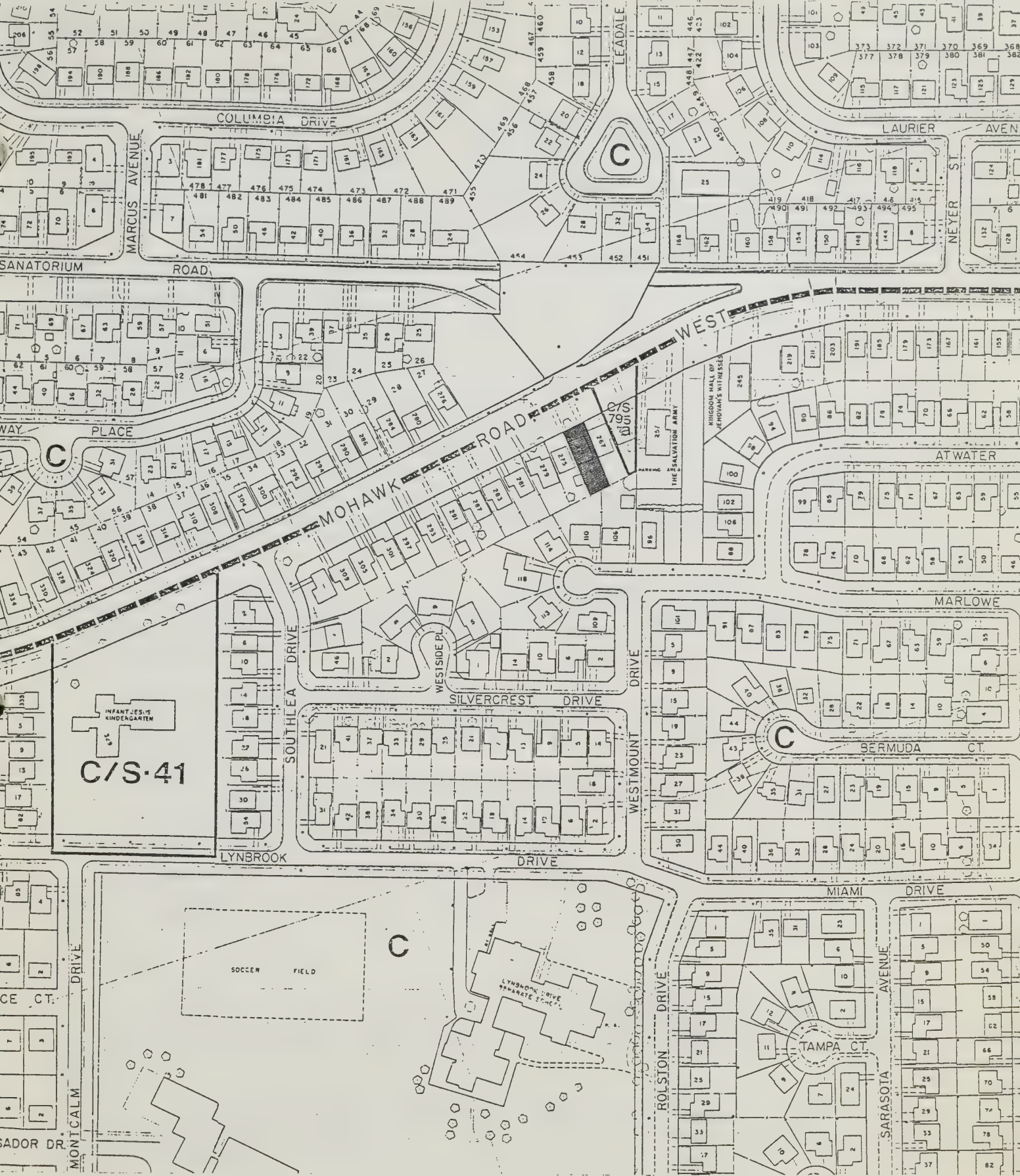
"We can support the application subject to the provision that the proposed use is limited to a home occupation and the residential portion is not rented separately leading to an increased demand for off-street parking."
- o The Hamilton-Wentworth Engineering Department and the Hamilton Region Conservation Authority have no comments or objections.

COMMENTS

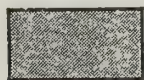
1. The proposal does not comply with the Official Plan. A site specific special policy area would be required to permit the use.
2. A redesignation from "Single and Double" housing to "Commercial" in the approved Rolston Neighbourhood Plan is required to permit the proposal.
3. The proposal cannot be supported for the following reasons:
 - a) it has been established as an illegal use.
 - b) the commercial use is an intrusion into an established single family dwelling area.
 - c) approval of the application will set a precedent for future similar applications.
 - d) it does not comply with the Official Plan or approved Rolston Neighbourhood Plan.

CONCLUSION

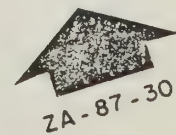
Based on the foregoing, the proposal cannot be supported.



LEGEND



SITE OF THE APPLICATION



APPENDIX A

267 Mohawk Road West,
Hamilton, Ontario.
L9C 1W2
May 15, 1987.

ZAS7-20

The Secretary,
Planning and Development,
City Hall,
71 Main Street West,
Hamilton, Ontario. L8N 3T4

Dear Sir:

When we purchased our home at 267 Mohawk Road W., the house to the west, #271, was a private dwelling. Mr. Tom Smith eventually bought #271, and, ~~ignoring the By-law~~, opened a chiropractic business. He lived on ~~the~~ premises for a short time, then bought another home and moved to Ancaster. He continued to conduct the business at #271 Mohawk and rented out his former accommodation.

At that time we didn't complain or report him, but with the current situation, we cannot see the future looking very good. We can only see that the things that have happened in the past years will only continue. The problems we refer to are:

- indiscriminate parking of cars
- garbage dropped from said cars, such as fast food containers, emptied ashtrays, kleenex etc. The garbage was on our property much of the time.
- property damage incurred when cars backed over our lawn, or into our shrubs and bushes etc., despite the fact that we had put in curbing at our expense which was also damaged.
- patients used our lawn and even our porch as a short cut.
- on occasion, cars would use our driveway to park in when #271's
- drive was full,--#271 has insufficient parking for business purposes.

Now to the present.

A real estate office has moved in at #271 Mohawk and Mr. Smith has moved his chiropractic business to the house east of us at 263 Mohawk. Now we are sandwiched between two business concerns in a supposedly Residential C-zoned area!!

We have the same parking problems as listed above, plus the problems of a very heavy flow of traffic on both sides which can keep us in or out of our own driveway.

.....2

Copy to - Y. Abraham, Planning
R. Eker, Schichtel
1987 May 20

The property value of our home is down!
The nuisance value is up, as are our taxes!!
Where do we go for our rights?
Who will compensate us??

We note that in your meeting notice of May 8, 1987, you refer to "the existing real estate and insurance business". We would like to point out that the business has existed despite our objections and the city's denial that Mr Sa could do so. We trust there is no implied approval of this illegal operation to be taken from the passive wording of this notice.

What we would really like to know, is, if Mr. Sa wanted his business in a residential area why doesn't he conduct it from the home he is currently living in? We can only conclude that he wants his home in a commercially free neighbourhood.

That is all that we ask too.

Yours truly,

G. Cronkright
M. Cronkright

c.c. Alderman Don Ross.

8.

F O R A C T I O N

FROM Planning and Development Department

DATE May 20, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-31
RUSHDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning for the property located at No. 613 Stone Church Road East on the following basis:

- Block "1" Change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) to "RT-10" (Townhouse) District, modified;
- Block "2" Further modification to the existing "RT-10" (Townhouse) District.

The purpose of the proposed change in zoning is to permit the development of the subject lands for 73 co-operative townhouses and to retain the existing dwelling for an administrative, social, educational, recreational center for use by the co-operative. The existing building is to be designated under the Ontario Heritage Act.

RECOMMENDATIONS

1. That City Council Resolution (1986) 26 (R.P.D.C.7, December 9 be rescinded.
 2. That approval be given to Zoning Application 87-31, Jubilee Consultants Services, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential, etc.) District, modified to "RT-10" (Townhouse) District, modified and a further modification to the "RT-10" (Townhouse) District, to permit the development of Blocks "1" and "2" for 73 townhouses, for the property located at No. 613 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings) District, modified to "RT-10" (Townhouse) District;
 - ii) That the provisions of paragraph 2 of Section 2 of By-law 77-266, applicable to Block "2" be repealed.

- iii) That the "RT-10" (Townhouse) District provisions contained in Section 10D of Zoning By-Law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - (a) Notwithstanding Section 10D(2) and Sections 18.(4)(iii) and (iv), the following accessory use shall be permitted within the existing building only;
 - 1) an administrative, educational, recreational and social center for use by the Co-operative.
 - iv) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27C be notated S ;
 - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Map E-27C;
 - vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. That the existing building be designated under Part IV of the Ontario Heritage Act, R.S.O. 1983 prior to the amending By-Law being passed by City Council;
4. That Block "1" be redesignated from "Single and Double" housing to "Attached Housing" in the Approved Rushdale Neighbourhood Plan.

EXPLANATORY NOTE

The purpose of this By-Law is to provide for a change in zoning for the property located at No. 613 Stone Church Road East on the following basis:

Block "1" Change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings) District to "RT-10" (Townhouse) District, modified.

Block "2" Further modification to the "RT-10" (Townhouse) District.

The effect of the By-law is to permit the development of the subject lands for 73 co-operative townhouses and to retain the existing single family dwelling for an administrative, recreational, educational and social center for the co-operative. The existing dwelling will be designated under the Ontario Heritage Act as a building of historic and architectural value.

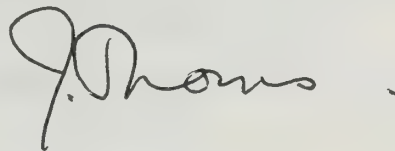
In addition, the By-Law would require the following variances:

- o to permit an administrative, recreational, educational and social center as an accessory use for the co-operative (Section 10D);
- o to exempt the accessory building from the yard and height requirements (Section 18);

- o to repeal paragraph 2 of Section 2 of By-law 77-266 restricting the number of townhouse units;
- o to require that the existing building be designated under Part IV of the Ontario Heritage Act.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Jubilee Consultants, prospective owner.

LOT SIZE AND AREA

Block "1"

- o 53.64 m (176 ft.) of lot depth
- o .74 ha (1.8 ac.) of lot area

Block "2"

- o 100.58 m (330 ft.) of lot frontage
- o 128.01 m (420 ft.) of lot depth
- o 1.29 ha (3.18 ac.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Stone farm house vacant	"RT-10" (Townhouse) District "D" (Urban Protected Residential - One and Two Family Dwellings) District

Surrounding lands

To the north	Vacant	"C" (Urban Protected Residential, etc.) District
To the south	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Vacant, single family dwellings	"AA" (Agricultural) District
To the west	Future townhouse development	"D" (Urban Protected Residential - One and Two Family Dwellings) District "RT-20" (Townhouse-Maisonette) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

Block "1" is designated "Single and Double" Housing in the Approved Rushdale Neighbourhood Plan. Block "2" is designated for "Attached Housing". The proposal complies with Block "2", however, a redesignation from "Single and Double" Housing to "Attached Housing" for Block "2" in the Approved Rushdale Neighbourhood Plan.

BACKGROUND

o ZA-86-86

On December 9, 1986 Council adopted a resolution to permit the development of the subject lands for townhouses and single family dwellings (see attached resolution). In addition, the restriction limiting the townhouses on the site to 42 was repealed. The applicant withdrew his application on December 23, 1986; therefore, it is necessary to rescind Council's resolution.

o Historical Farmhouse

The stone farmhouse located on the site is listed by LACAC as a building which has historic and architectural value (see Appendix "B").

LACAC recommended to the Planning and Development Committee that the farmhouse be designated. At the March 11, 1987 meeting the committee did not approve the recommendation from LACAC. At that time the owner was not in favour of designation. Further, the committee did not approve a demolition permit for the building but

instead applied the Demolition Control By-Law to the property. This By-Law requires that a permit to build must be issued before the demolition permit and that the applicant construct and substantially complete the new building within two years, unless otherwise arranged.

The prospective owner has expressed interest in designating the building under Part IV of the Ontario Heritage Act. The building will be used for an educational, social, recreational and administrative centre for the 73 unit co-operative townhouse project.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority and Traffic Department have no comments or objections.
- o The Building Department has advised that variances are required.
- o The Hamilton-Wentworth Engineering Department has advised:
(Comments to follow).

COMMENTS

1. At its meeting of December 9, 1986, Council adopted a resolution to permit the development of the subject lands for townhouses and single family dwellings. The applicant withdrew his application. Therefore, Resolution (1986) 26 R.P.D.C.7, December 9, should be rescinded.
2. The proposal complies with the Official Plan.
3. The redesignation from "Single and Double" housing to "Attached Housing" in the approved Rushdale Neighbourhood Plan.
4. The proposal merits consideration for the following reasons:
 - a) it is compatible with the surrounding development including future townhouse development to the west and single family dwellings to the north, south and east.
 - b) it will increase the supply of affordable rental housing.
 - c) it is located on a major arterial road (Stone Church Road East).
 - d) it is an innovative housing project since it incorporates the existing single family dwelling in the design layout.
 - e) it is an excellent adaptive reuse of a building of historic and architectural value.

5. The applicant has agreed to designate the building under Part IV of the Ontario Heritage Act. Since the building has architectural and historic significance to the City of Hamilton, it is worthy of preservation.
6. The existing By-Law 77-266 restricts the number of townhouses on Block "2" to 42 whereas the actual site can accommodate 45.8 units. Therefore, the elimination of this restriction can be supported.
7. In addition, the By-Law requires the following variances:
 - o Permitted Uses (Section 10D) and Accessory Structures (Section 18(4)(iii) and (iv))

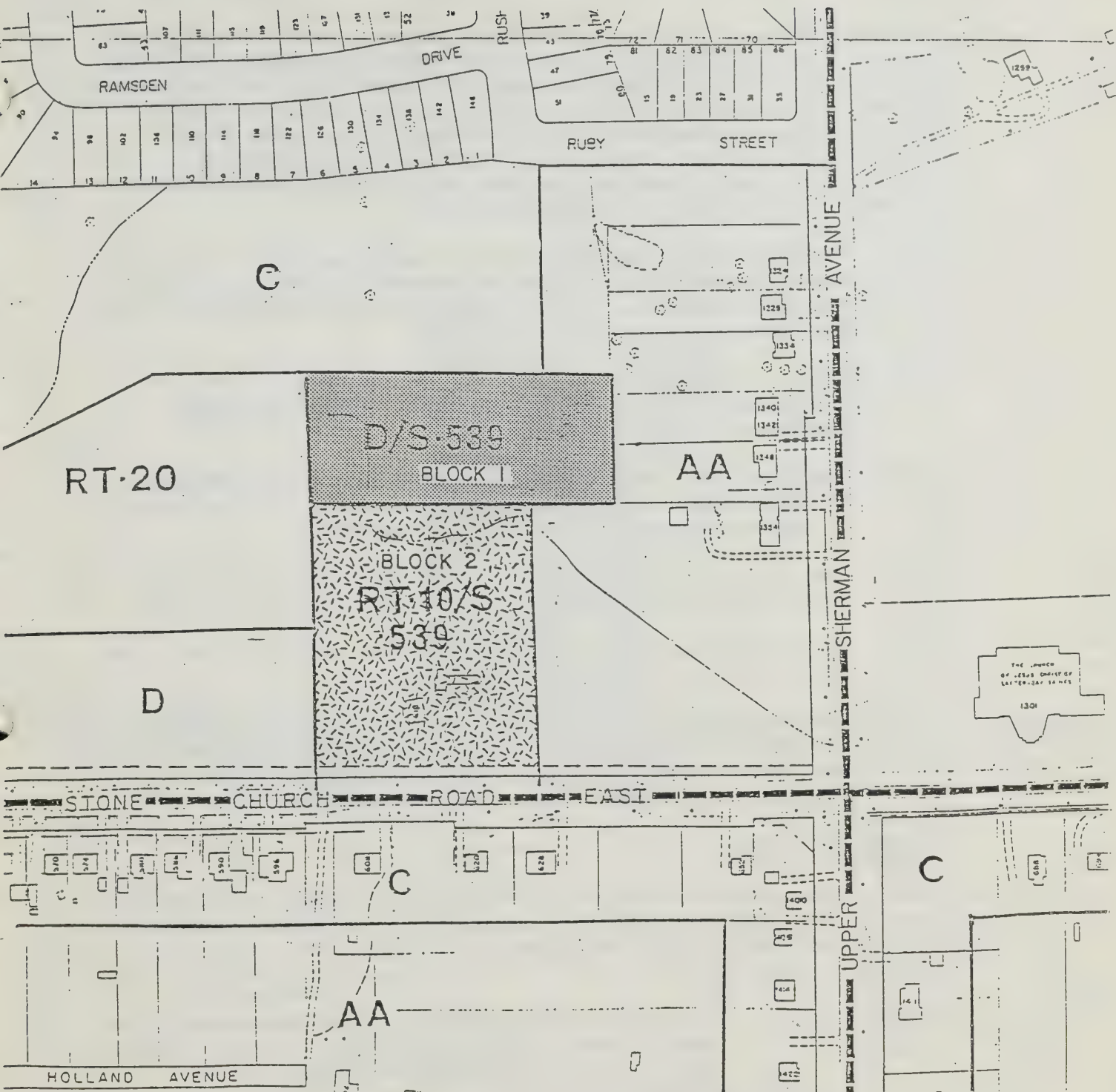
The By-Law permits accessory uses within the District. However, to ensure that the existing building is retained for use by the Co-operative, it is necessary to entrench this requirement in the amending By-Law. Since the accessory use will be located within the existing building, it will be exempt from all yard and height requirements.
8. Under the "RT-10" District regulations, the lands are subject to Site Plan Control By-Law 79-275. Matters such as parking, access, landscaping will be reviewed during the site plan approval process. In addition, the details of the road configuration for the proposed development and the developments to the west will be determined during the site plan stage.

CONCLUSION

Based on the foregoing, the proposal can be supported.

J.H.:nd

W.P. DOC. 0513P



LEGEND



BLOCK 1

Change in zoning from "D" (Urban, Protected Residential - One and two family dwellings, etc.) District, modified, to "RT-10" (Townhouse) District, modified.



BLOCK 2

Further modification to the "RT-10" (Townhouse) District



7.

That approval be given to Zoning Application 86-86, J. Kozel, owner, for a change in zoning for part of the lands municipally known as No. 613 Stone Church Road East from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District, and from "RT-10" (Townhouse) District, modified to the "C" (Urban Protected Residential, etc.) District, as shown on the attached map marked as APPENDIX "F", on the following basis:

- i) That the lands shown as Block "1" be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified, to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands shown as Block "2" be rezoned from "RT-10" (Townhouse) District, modified, to "C" (Urban Protected Residential, etc.) District;
- iii) That the provisions of paragraph 2 of Section 2 of By-law No. 77-266 passed by City Council on October 25, 1977 applicable to the lands shown as Block "3" be repealed.
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vi) That the Rushdale Neighbourhood Plan be amended by changing the land use designation of Block "2" from "Attached Housing" to a "Single and Double" residential designation, and by changing the proposed road pattern accordingly.

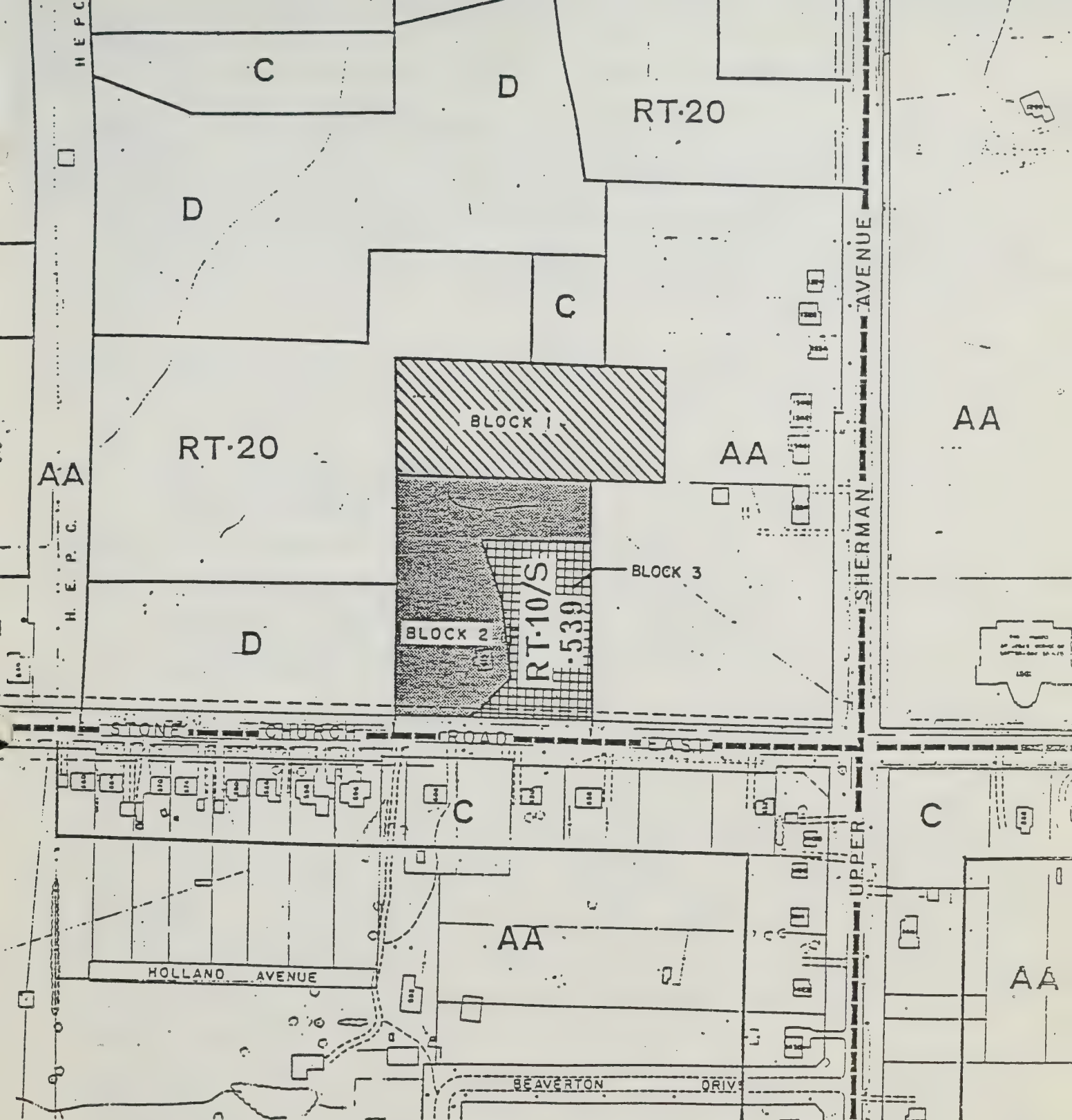
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning of part of the lands municipally known as 613 Stone Church Road East, as shown on the attached map marked as APPENDIX "F", on the following basis:

- Block "1" - Change from "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District.
- Block "2" - Change from "RT-10" (Townhouse) District, modified to "C" (Urban Protected Residential, etc.) District.

In addition, the By-law will amend the provisions of By-law No. 77-266 applicable to the adjoining remnant "RT-10" zoned parcel of land (Block "3") by deleting reference to a density of 42 dwelling units.

The effect of the By-law is to permit development of the lands marked as Blocks "1" and "2" for single-family dwellings in accordance with a draft plan of subdivision, and to delete reference to the density of development for the adjoining "RT-10" zoned parcel of land (Block "3").

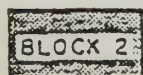


LEGEND

PROPOSED CHANGE IN ZONING:



FROM "D" (URBAN PROTECTED RESIDENTIAL - ONE & TWO FAMILY DWELLINGS, ETC.) DISTRICT, MODIFIED TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT



FROM "RT-10" (TOWNHOUSE) DISTRICT, MODIFIED TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.



TO DELETE REFERENCE TO THE PERMITTED DENSITY OF 42 DWELLING UNITS AS SET OUT IN BY-LAW NO. 77-266



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

I.D. #0067D(46)

Refer to File No. E220-1807
Attention of K. A. Brenner
Your File No. ZA-87-31

May 19, 1987

TO: V. J. Abraham, Planning Department
Att: J. Hickey

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-31 by Jubilee
Consultant Services for a Change in Zoning
from "D" to "RT-10" Modified for Property
Located at 613 Stone Church Road East

Please be advised that public watermains are available to service the subject lands. The sanitary and storm sewers have not yet been installed in this area.

The designated road allowance width of Stone Church Road East is 30.48m (100 ft). Although the lands to be zoned do not front on Stone Church Road, they are considered part of the entire development. Therefore, as a condition of approval, we require sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft) from the centre line of the original Stone Church Road road allowance.

Any work within the adjacent road allowance must conform to the Region's Roads Use By-Law.

According to the initial Rushdale Neighbourhood Plan, the proposed neighbourhood street to the north was to provide access for single/double family homes on the lands to be rezoned. However, the approval of High Ridge Estates No. 3 draft plan of subdivision has shifted the road to the north, therefore, access to the lands to be rezoned must either be from Stone Church Road or the proposed north/south internal roadway to the west as shown on the proposed Rushdale Neighbourhood plan.

Cont'd

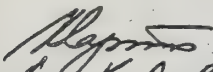
- Page 2 -
May 19, 1987

Zoning Application ZA-87-31 by Jubilee
Consultant Services for a Change in Zoning
from "D" to "RT-10" Modified for Property
Located at 613 Stone Church Road East

Cont'd

Since access to these lands may be restricted (due to the vertical crest curve on Stone Church Road), we recommend that the neighbourhood street immediately west of the subject lands be extended southerly to provide access to these lands.

In our review of these plans, the draft plan of subdivision, Land Severance Application H-30-87 etc., there are a number of land use and neighbourhood street layout concerns which have not been resolved to date. Therefore, we recommend that prior to approving this application, these outstanding items be resolved first in order that access, neighbourhood street and cul-de-sac requirements, etc. can be resolved to our satisfaction. Once these concerns have been addressed, we can determine what financial conditions and cost recoveries will be required as a result of development approval.


for K.A. Brenner

TLH:mp
Attach.

c.c. M. .A. Chidley, Regional Surveyor

CHURCH ROAD CONCESSIONS 7 AND 8

CONCESSIONS 7 AND 8

CHURCH ROAD CONCESSIONS 7 AND 8

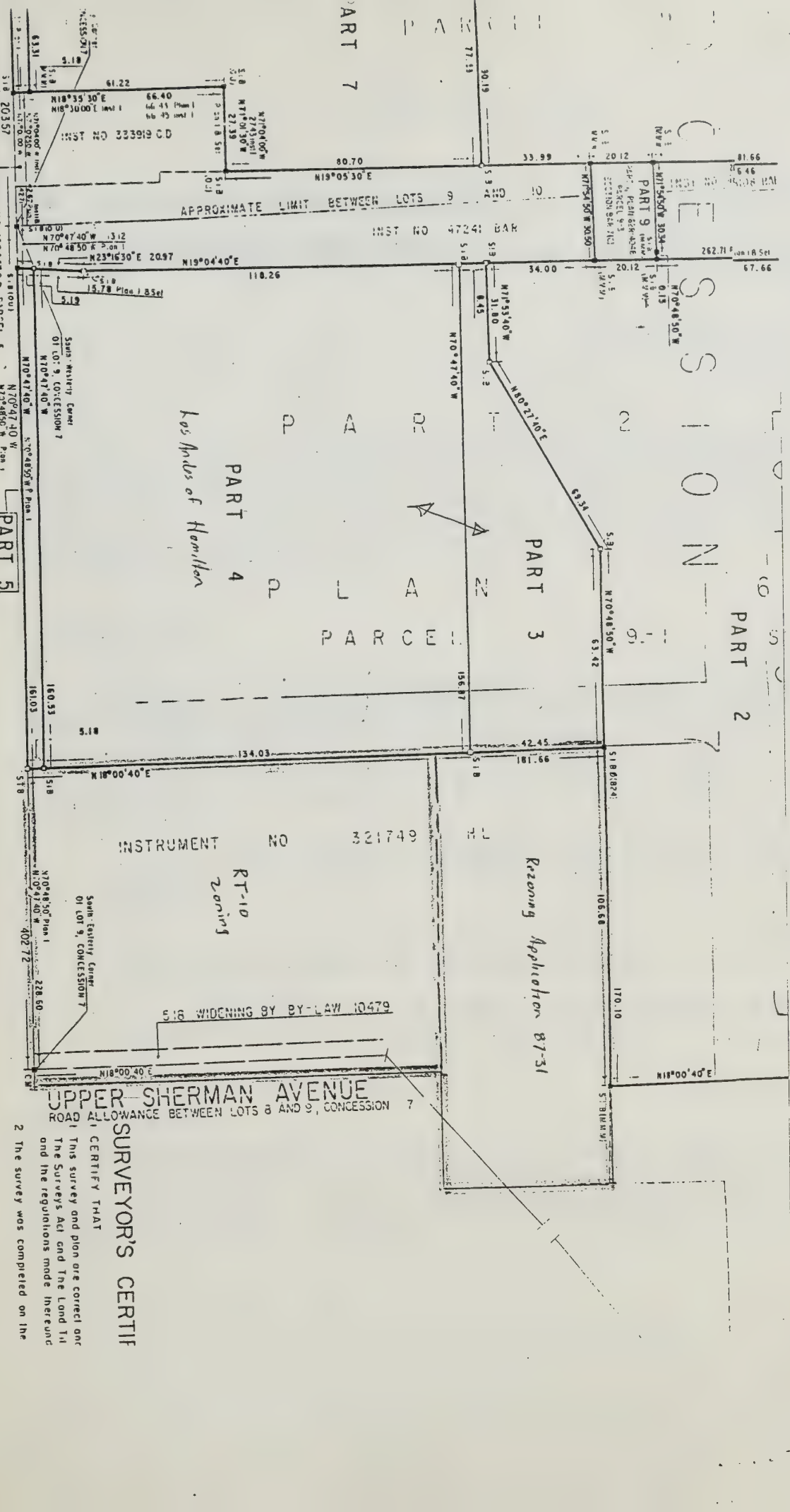
CHURCH ROAD CONCESSIONS 7 AND 8

CHURCH ROAD CONCESSIONS 7 AND 8

CHURCH ROAD CONCESSIONS 7 AND 8

CHURCH ROAD CONCESSIONS 7 AND 8

CHURCH ROAD CONCESSIONS 7 AND 8



UPPER-SHERMAN AVENUE
ROAD ALLOWANCE BETWEEN LOTS 8 AND 9, CONCESSION 7

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
This survey and plan are correct and
The Surveys Act and The Land Title
and the regulations made thereunder
2 The survey was completed on the

December 22, 1986

scale 1:1000

drawn R. D. Hargrave

checked B. J. McArthur

scale 1:1000

9.

F O R A C T I O N

FROM Planning and Development Department

DATE May 6, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-33

MEWBURN
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "B-1" (Suburban Agriculture and Residential, etc.) District, for property located at the north-west corner of Rymal Road West and West 5th Street, municipally known as No. 1268 West 5th Street. The purpose of the application is to establish the appropriate zoning to permit single-family development.

RECOMMENDATION

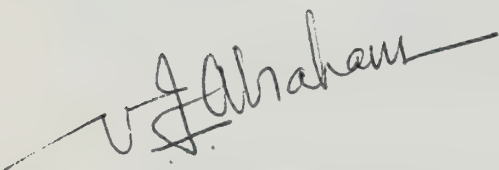
That approval be given to Zoning Application 87-33, Anton and Margaret Jacusiw, owners, for a change in zoning from "AA" (Agricultural) District to "B-1" (Suburban Agriculture and Residential, etc.) District, for property located at the north-west corner of Rymal Road West and West 5th Street municipally known as No. 1268 West 5th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "B-1" (Suburban Agriculture and Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Maps W-9D and W-9E;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.


EXPLANATORY NOTE

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "B-1" (Suburban Agriculture Residential, etc.) District for property located at the north-west corner of Rymal Road West and West Fifth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit single-family development of the lands.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Anton and Margaret Jacusiw, owners.

LOT SIZE AND AREA

- 56.38 m (185.0 ft.) of lot frontage on West 5th Street;
- 56.69 m (185.0 ft.) of lot flankage on Rymal Road West; and
- 3,195.94 m² (34,402 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single family dwelling and an accessory frame garage	"AA" (Agricultural) District
<u>Surrounding lands</u>		
To the north	Single family dwellings	"AA" (Agricultural) District
To the south	Single family dwellings and a dwelling containing a barber shop	"C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) District, modified
To the east	Vacant lands	"AA" (Agricultural) District
To the west	Single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the draft Mewburn Neighbourhood Plan. The Mewburn Neighbourhood Plan is to be the subject of a Public Meeting to be held by the Planning and Development Committee on July 15, 1987. The proposal complies with the intent of the draft Mewburn Neighbourhood Plan.

BACKGROUND

● Land Severance Application

On March 17, 1987 the Regional Land Division Committee considered and approved land severance applications H-40-87 and H-41-87 to permit the subdivision of the subject lands into a total of three separate lots (see the attached plan marked as APPENDIX "B"). The subject zoning application is required as a condition of approval of the land severance application.

COMMENTS RECEIVED

- The Building Department has advised that the proposal is "Subject to the intensity of use requirements of Section 8A(4) of By-Law No. 6593."
- The Traffic Department has advised that:

"We recommend that the application be tabled until such time as the neighbourhood plan for Mewburn Neighbourhood is finalized."
- The Hamilton Wentworth Engineering Department:
(No comments received to date).
- The Hamilton Region Conservation Authority has no objection.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal will comply with the intent of the Mewburn Neighbourhood Plan upon its adoption by the Planning and Development Committee and City Council.

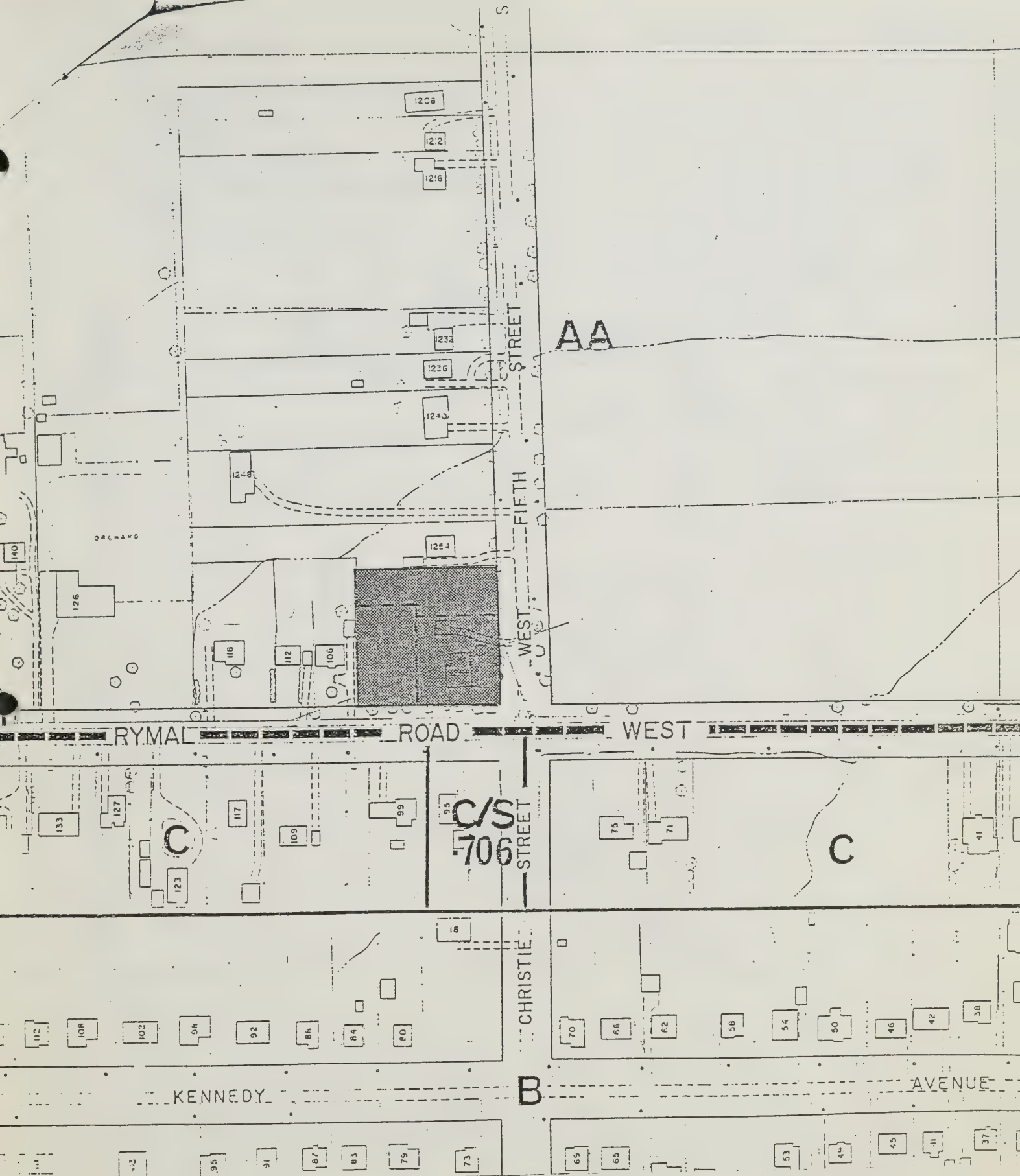
3. Taking into consideration the size of the lots proposed, the "B-1" (Suburban Agriculture Residential, etc.) District would be the appropriate zoning. The applicant has advised that the frame garage located on the property will either be moved or demolished in order to avoid the necessity of a side yard variance.
4. the road widenings required will be acquired as a condition of the land severance application.
5. The Regional Engineering Department has advised that municipal sewers will be available later in 1987.
6. Approval of the application will not jeopardize future development in this area.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

W.P. DOC. 0494P



LEGEND



SITE OF APPLICATION.



PLAN OF SURVEY
OF
PART OF LOT 16 CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1" = 100'
J. DAVID PETERS

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE REGISTRY ACT.

DATED: _____

J. DAVID PETERS OLS.

PLAN 62 R -

RECEIVED AND DEPOSITED

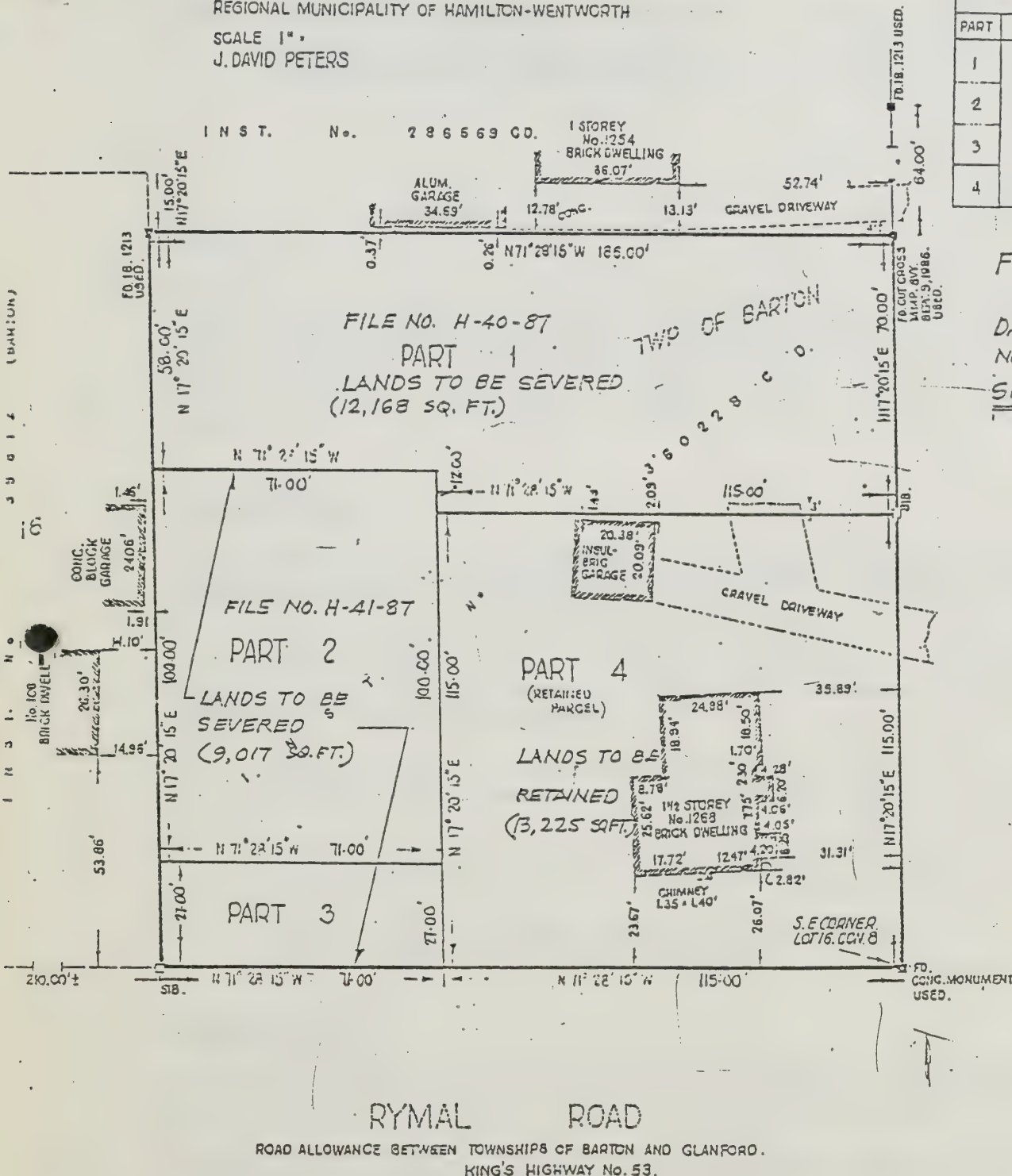
DATED: _____

LAND REGISTRY
FOR THE REGISTRY DIVISION OF

SCHEDULE

PART	LOCATION	INST. No.	AREA.
1	PART OF LOT 16 CON. 8 TWP. OF BARTON	360 228 CO.	12165 SQ. FT.
2			7098 SQ. FT.
3			1917 SQ. FT.
4			13222 SQ. FT.

FILE NOS H-40-87
H-41-87
DATE: FEB. 17, 1987
NOT TO SCALE
SHEET 2 OF 2



WEST 5TH STREET

RYMAL ROAD

ROAD ALLOWANCE BETWEEN TOWNSHIPS OF BARTON AND GLANFORD.
KING'S HIGHWAY No. 53.

APPENDIX B

ARE ASTRONOMIC AND ARE
TO THE NORTHERN LIMIT
ROAD ON A COURSE OF
"W AS SHOWN ON DEP. PLAN M-149
YES AN IRON BAR PLANTED
YES AN IRON BAR FOUND
YES A CUT ROSS
YES A 0.08' SQUARE IRON BAR
YES A 0.05' SQUARE IRON BAR

CAUTION:

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN
THE MEANING OF THE PLANNING ACT.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT AND THE REGISTRY ACT AND THE
REGULATIONS MADE THEREUNDER.

2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____ 1987

HAMILTON, ONT.

MACKAY, MACKAY & PETERS LIM

ONTARIO LAND SURVEYORS
ESTABLISHED 1906

SUITE 506, UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON - ONTARIO L8N 2A1

F O R A C T I O N

10.

FROM Planning and Development Department

DATE May 8, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-36
THORNER
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District regulations for the rear part of property at No. 617 Limeridge Road East, as shown on the attached map. The purpose of the proposed change in zoning is to create a building lot for a single-family detached dwelling, fronting on Parkwood Crescent.

RECOMMENDATION

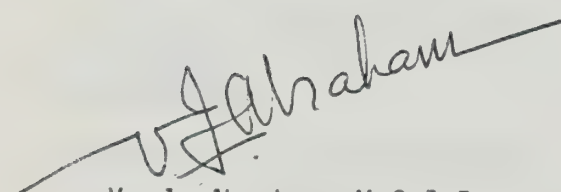
That approval be given to Zoning Application 87-36 Marz Homes Limited, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the rear part of property at No. 617 Limeridge Road East to be used for single-family detached dwelling purposes in conjunction with property fronting onto Parkwood Crescent, as shown on the attached map marked as APPENDIX "A" on the following basis:

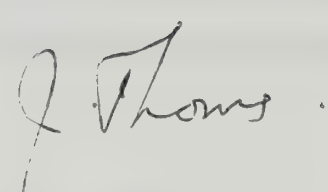
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-27A; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton.

EXPLANATORY NOTE

The purpose of the By-Law is to provide for a change in zoning for the property located at the rear of No. 617 Limeridge Road East.

The effect of this By-Law is to permit the subject parcel of land to be developed for single-family dwelling purposes in conjunction with an adjoining parcel of land fronting onto Parkwood Crescent.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Marz Homes Limited, prospective owner.

LOT SIZE AND AREA

Subject lands

- 15.24 m (50.0 ft.) of lot width;
- 15.24 m (50.0 ft.) of lot depth; and,
- 232.25 m² (2,500 sq. ft.) of lot area.

Total area of the proposed lot

- 15.24 m (50.0 ft.) of lot width;
- 45.72 m (150.0 ft.) of lot depth; and,
- 696.75 m² (7,500 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single family dwelling and vacant rear land	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding lands</u>		
To the north	Single family dwellings and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.)

To the south	Vacant lands	"RT-20" (Townhouse and Maisonette) District
To the east	Single-family dwellings	"C" (urban Protected Residential, etc.) District
To the west	Single family dwellings	"R-4" (Small Lot Single-family detached) District, "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" Residential development on the Thorner Neighbourhood Plan, the proposal complies.

BACKGROUND

Land Severance Application

At its meeting held on April 21, 1987 the Regional Land Division Committee considered and approved Land Severance Application H-66-87 to convey the subject parcel of land and retain a parcel of land occupied by a single-family dwelling. The parcel of land being conveyed is to be added to a parcel of land fronting onto Parkwood Crescent to form a single-family building lot. The subject rezoning application is required as a condition of approval of the land severance application H-66-87.

COMMENTS RECEIVED

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections to the approval of the rezoning application.
- The Hamilton-Wentworth Engineering Department
"Public watermains as well as storm and sanitary sewers are available to service the subject lands. The designated road allowance width of Limeridge Road is 26.21 m (86 ft.). The applicant should be advised of a future road widening to establish the property line 13.11 m (43 feet) from the centre line of the original Limeridge Road road allowance."

COMMENTS

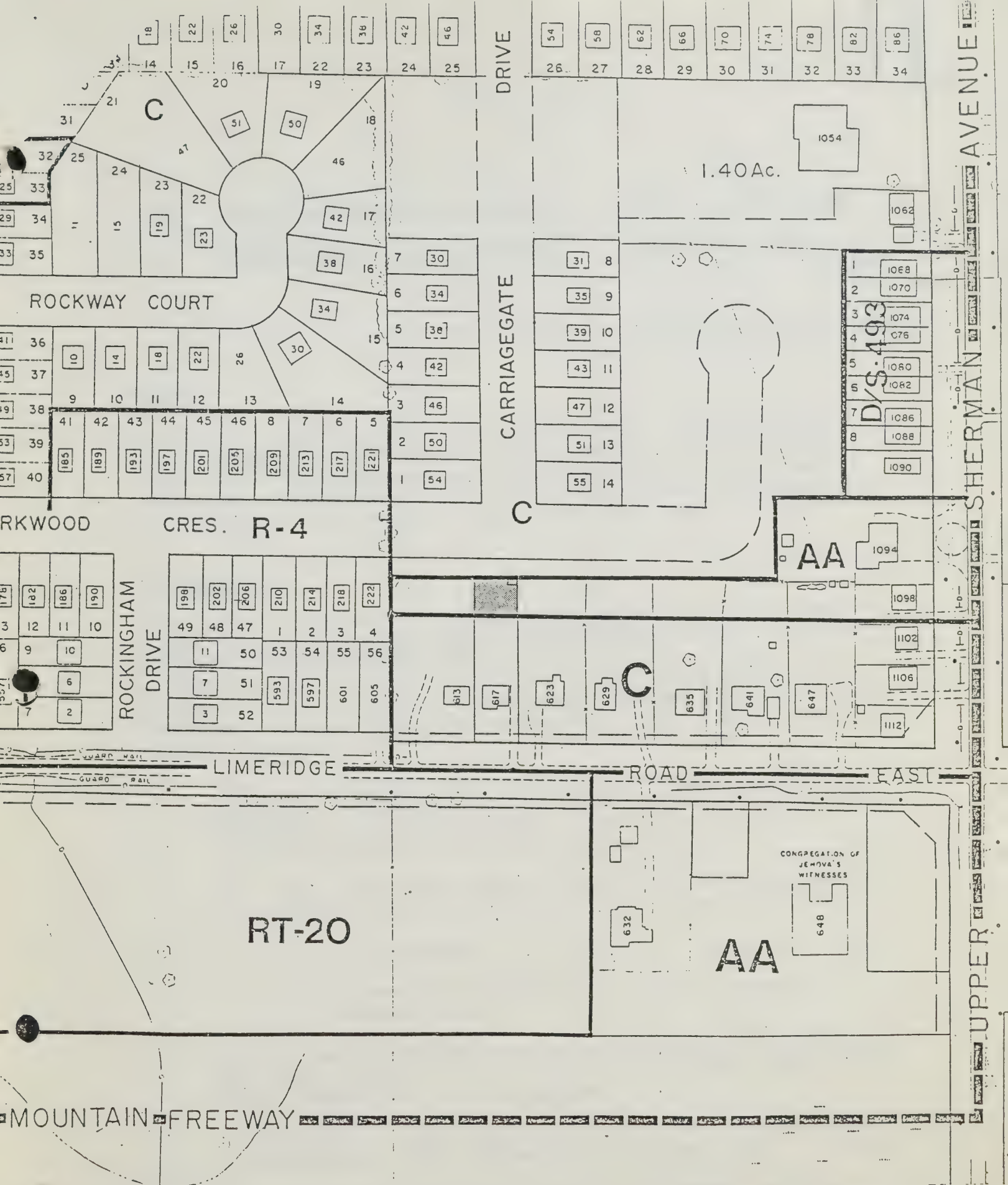
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Thorner Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the proposal is in keeping with existing and proposed single-family development in this area;
 - the subject lands are being added to abutting lands to the north fronting onto Parkwood Crescent to create a single building lot;
 - the rezoning implements a condition of approval imposed by the Regional Land Division Committee;
 - a similar application was approved by the Planning and Development Committee for abutting property to the west;
 - the subject lands can be fully serviced by a municipal water supply and municipal storm and sanitary sewers.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

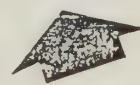
W.P. DOC. 0503P



LEGEND



SITE OF THE APPLICATION



ZA87-36

APPENDIX A

11.

F O R A C T I O N

FROM Planning and Development Department

DATE May 19, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-45

NASHDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the "JJ" (Restricted Light and Limited Heavy Industry) District for the property located at No. 2425 Barton Street East. The purpose of the proposed modification is to permit the conversion of the existing building to a fitness centre with an accessory restaurant use and to legalize the existing video store.

RECOMMENDATION

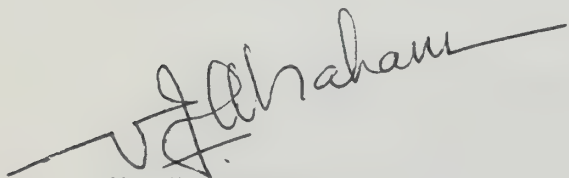
That approval be given to an amended Zoning Application 87-45, 629581 Ontario Ltd. (Alex Rouge), owner, requesting a modification to the "JJ" (Restricted Light and Limited Heavy Industry) District to permit the conversion of the existing building to a fitness centre including an accessory restaurant use and to legalize the existing video store, for the property located at No. 2425 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "JJ" (Restricted Light and Limited Heavy Industry) District, as contained in Section 16A of Zoning By-Law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 16A(1) the following commercial uses shall be permitted within the existing building:
 - 1) video store; and
 - 2) a commercial fitness club including an accessory restaurant use.
- ii) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-103 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593 and Zoning District Map E-103;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

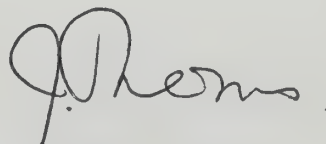
EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "JJ" (Restricted Light and Limited Heavy Industry) District for the property located at No. 2425 Barton Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit the conversion of the existing building to a fitness centre including an accessory restaurant use and legalize the existing video store.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

629581 Ontario (Alex Rouge), owner.

LOT SIZE AND AREA

- o 45.72 m (150 ft.) of lot frontage.
- o 111.78 m (366.73 ft.) of lot depth.
- o 0.51 ha (1.26 ac.) of area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Pop Shoppe Distribution Centre, Video store	"JJ" (Restricted Light and Limited Heavy Industry) District
<u>Surrounding lands</u>		
To the north	Vacant	"HH" (Restricted Community Shopping and Commercial, etc.) District

To the south	Repair garage, commercial	"JJ" (Restricted Light and Limited Heavy Industry) District "HH" (Restricted Community Shopping and Commercial, etc.) District
To the east	Commercial	"JJ" (Restricted Light and Limited Heavy Industry) District
To the west	Repair garage, warehouse	"JJ" (Restricted Light and Limited Heavy Industry) District

OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A" and "Special Policy Area 11" on Schedule "B".

The Industrial policies permit uses which do not detract or interfere with the industrial uses (Policy A.2.3.1(vii)).

Special Policy Area 11 permits Light Industrial uses and establishments catering to leisure activities (Policy A.2.3.15).

The proposal complies.

NEIGHBOURHOOD PLAN

There is no approved plan for the Nashdale Neighbourhood.

BACKGROUND

The applicant intends to convert the existing bulding for two commercial uses:

- o video store - 325.15 m² (3,500 sq. ft.).
- o fitness centre including an accessory restaurant use - 1,393.5 m² (15,000 sq. ft.)

The video store exists at this location at the present time.

The applicant can provide adequate parking on site.

ECONOMIC FACTORS

The applicant has advised that the cost of the redevelopment will be between \$500,000 and \$1,000,000. A total of 35 construction jobs comprising workers from the City of Hamilton will be created. In addition, a total of 44 part time and full time jobs for the two operations will also be added.

COMMENTS RECEIVED

- o The Building Department, Hamilton Wentworth Engineering Department, Hamilton Region Conservation Authority and Traffic Department have no comments or objections.

COMMENTS

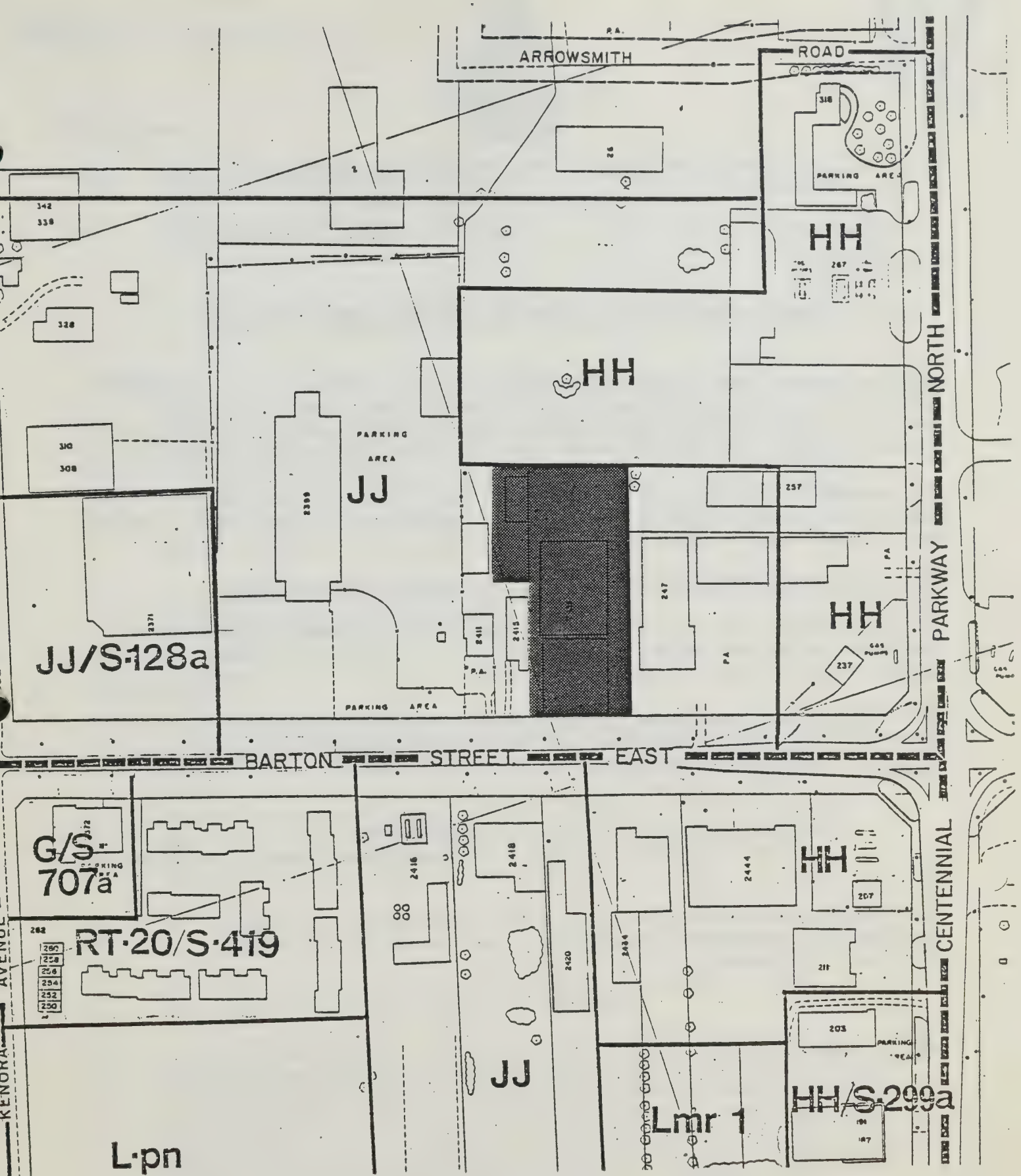
1. The proposal complies with the Official Plan.
2. There is no approved plan for the Nashdale Neighbourhood.
3. The proposal merits consideration for the following reasons:
 - a) it is compatible with the surrounding uses including commercial uses to the south, east and west and warehousing the the west;
 - b) it is located on a major arterial road (Barton Street East);
 - c) ample parking is provided on site; and
 - d) it complies with the Official Plan.
4. The video store is in existence at the present location. Under the current "JJ" District regulations, this use is not permitted.

CONCLUSION

Based on the foregoing, the proposal can be supported.

J.H.:nd

W.P. DOC. 0498P



LEGEND



SITE OF APPLICATION

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from 629581 Ontario Limited (K. W. Jackson), owner, for a change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial) District for property at No. 2425 Barton Street East, as shown on the attached map.

The purpose of the proposed change in zoning is to permit the conversion and use of the subject property for a fitness centre and a video store. Parking for 117 cars will be provided on site.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in Room 233, City Hall on Wednesday, May 27, 1987 at 7:30 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/jd
May 8, 1987

12.

F O R A C T I O N

FROM Planning and Development Department

DATE May 20, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-34
ST. CLAIR
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings) for the properties located at Nos. 57 and 85 Delaware Avenue. The purpose of the proposed change in zoning is to demolish the existing buildings and permit the following:

- o The construction of a 7-storey condominium apartment building having 42 units, fronting on Delaware Avenue;
- o The construction of a 3-storey townhouse development having 9 units, fronting on Gladstone Avenue South.

RECOMMENDATIONS

1. That Zoning Application 87-34, Hamilton Jewish Communal Projects, Inc. owner, requesting a change in zoning from "C" (Urban Protected Residential) District to "E" (Multiple Dwellings) District to permit the construction of a 7-storey, 42 unit condominium apartment building and a 3-storey, 9 unit townhouse development, for the properties located at Nos. 57-85 Delaware Avenue, shown on the attached map marked as APPENDIX "A", be denied in part for the following reasons:
 - a) the 7-storey building is incompatible with the surrounding single, two and three family dwellings.
 - b) the proposed "E" District zoning is excessive in a low density residential area ("C" District).
2. That approval be given to an amended Zoning Application 87-34, Hamilton Jewish Communal Projects Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential District, etc.) to "DE-3" (Multiple Dwellings) District, modified to permit the construction of a 4 storey, 24 unit condominium apartment building and a 3 storey, 9 unit townhouse development for the properties located at Nos. 57 and 85 Delaware Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District.
- ii) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-Law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) Notwithstanding Section 10C(2), the height of the multiple dwelling shall not exceed 4 storeys.
- iii) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) Notwithstanding Section 10E(4)(b), the minimum side yard shall be 1.2 m
- iv) That notwithstanding Section 2.(2)A.(viib), a maximum of 9 single family dwelling units attached to each other shall be permitted.
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-23 be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-23;
- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- viii) That the St. Clair Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to "Low Density Apartments".

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) to "DE-3" (Multiple Dwellings) District, modified, for the property located at Nos. 57 and 85 Delaware Avenue as shown on the attached map marked as APPENDIX "A".

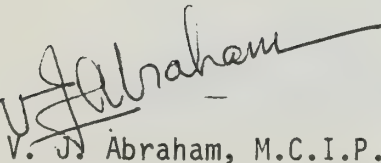
The effect of the By-Law is to permit:

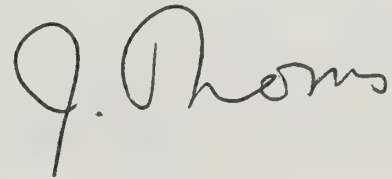
- o The construction of a 7-storey condominium apartment building having 42 units, fronting on Delaware Avenue;

- o The construction of a 3-storey townhouse development having 9 units, fronting on Gladstone Avenue South.

In addition, the By-Law would require the following variances:

- o To permit a maximum of building height of 4 storeys for the multiple dwelling as opposed to maximum permitted building height of 3 storeys.
- o To permit a minimum side yard of 1.2 m instead of the legally permitted 3 m.
- o To permit a maximum of 9 single family dwelling units attached to each other instead of the legally permitted 8 units.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Hamilton Jewish Communal Projects Inc.

LOT SIZE AND AREA

- o 81.38 m (267 ft.) of lot frontage
- o 38.4 m to 57.3 m (126 ft. to 184 ft.) of lot depth
- o 3,874 m² (41,702 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Community Center, Single family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding lands</u>		
To the north and south	Two family dwellings	"C" (Urban Protected Residential, etc.) District

To the east	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Single, two and three family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Major Institutional" on Schedule "A". Residential uses are permitted within Institutional designations provided they are compatible with the surrounding area. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Civic and Institutional" on the approved St. Clair Neighbourhood Plan. A redesignation from "Civic and Institutional" to "Low Density Apartments" is required to permit the proposal.

COMMENTS RECEIVED

o The Building Department has advised that variances are required.

o The Traffic Department has advised that:

"The application for a change in zoning to permit the proposed residential development is satisfactory.

For the information of the developer, we would not be prepared to accept the proposed loading space as it would require the vehicle to back-in from Sanford Avenue, partially blocking the adjacent municipal alley."

o The Hamilton Region Conservation Authority has no objection.

o The Hamilton Wentworth Engineering Department has advised in part that:

"According to the preliminary plans submitted, it is intended that the public assumed alley on the easterly portion of the lands to be developed will be closed. In order to close the alley it is required that the applicant read the attached information, fill out the form and submit the application form and appropriate monies to the Transportation Department. Once these forms have been received, we will initiate the steps necessary to close the alley. We also advise that the submission of an application to

close the alley does not imply that the alley will be closed as these matters will be considered by the City of Hamilton Transport and Environment Committee and Council. Therefore, we cannot submit final detailed comments on the preliminary site plans until this matter is resolved.

With respect to other items on the site plan, it appears that the visitor parking and loading spaces will be from the alley. According to our records, the only portion of the alley which is public assumed runs east-west between Sanford Ave. and Gladstone Ave. and the north-south portion of the alley is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the visitor parking area located north of the east-west alley.

We also recommend that comments from the City of Hamilton Traffic Department be received as it appears that commercial vehicles will be required to back into the alley to the loading area. Since this is considered new development, it is our opinion that this type of access to a loading space is in contravention to the intent of the Regional Official Plan with respect to development control in Area Municipalities.

It is also unclear as to what will be constructed within the Sanford Ave. road allowance adjacent to the parking ramp. We therefore advise that no structures are permitted within the road allowance. Furthermore, the grade of the ramp must start on private property only and all driver visibility obstructions such as side walls, etc. should be recessed 3 m from the Sanford Ave. road allowance. A level area (2-5%) should be provided for the first 6.0 m east of the Sanford Ave. road allowance to allow for proper motorist visibility of vehicles and pedestrians within the road allowance." (See attached letter for full comments).

COMMENTS

1. The applicant proposes to develop the property for a 7-storey, 42 unit apartment building and 9 unit townhouse development. The 7 storey building cannot be supported for the following reasons:
 - a) it is incompatible with the surrounding single, two and three family dwellings.
 - b) the proposed "E" District zoning is excessive in a low density area ("C" District).
2. It is preferable to support an amended application for a 4 storey, 24 unit condominium apartment building and 9 townhouses, for the following reasons:
 - a) The proposal does not conflict with the intent of the Official Plan.

- b) the lot area is large (3,874 m²) and therefore, it can accommodate a higher density than the surrounding smaller lots. This increase in density will not have a negative impact on the surrounding residential character of the neighbourhood.
 - c) the proposed townhouses facing Gladstone Avenue is an improvement over the existing parking lot for the Jewish Community Center.
 - d) it is in close proximity to schools, public transit, commercial area, school and community facilities.
 - e) it is located at the corners of a collector road (Delaware Avenue) and two local roads.
3. A redesignation from "Civic and Institutional" to "Low Density Apartments" in the St. Clair Neighbourhood Plan is required to permit the proposal.
4. Approval of the application would require the following variances:
- o Height Requirements (Section 10C)

The "DE-3" District restricts the height of principal building to 3 storeys whereas the proposed development would be 4 storeys. This variance can be supported since it is minor in nature and the proposed development would not have a negative impact on the surrounding character of the area.
 - o Area Requirements (Section 10E)

Under the "RT-20" District regulations, townhouses are required to have a minimum side yard of 3 m; the applicant is proposing a 1.2 m northerly side yard. In the adjacent "C" District, the side yard requirement is only 1.2 m. The proposed side yard is consistent with the surrounding district, thereby maintaining the character of the area. The variance may be supported given the reasons noted above and it is minor in nature.
 - o Definitions (Section 2)

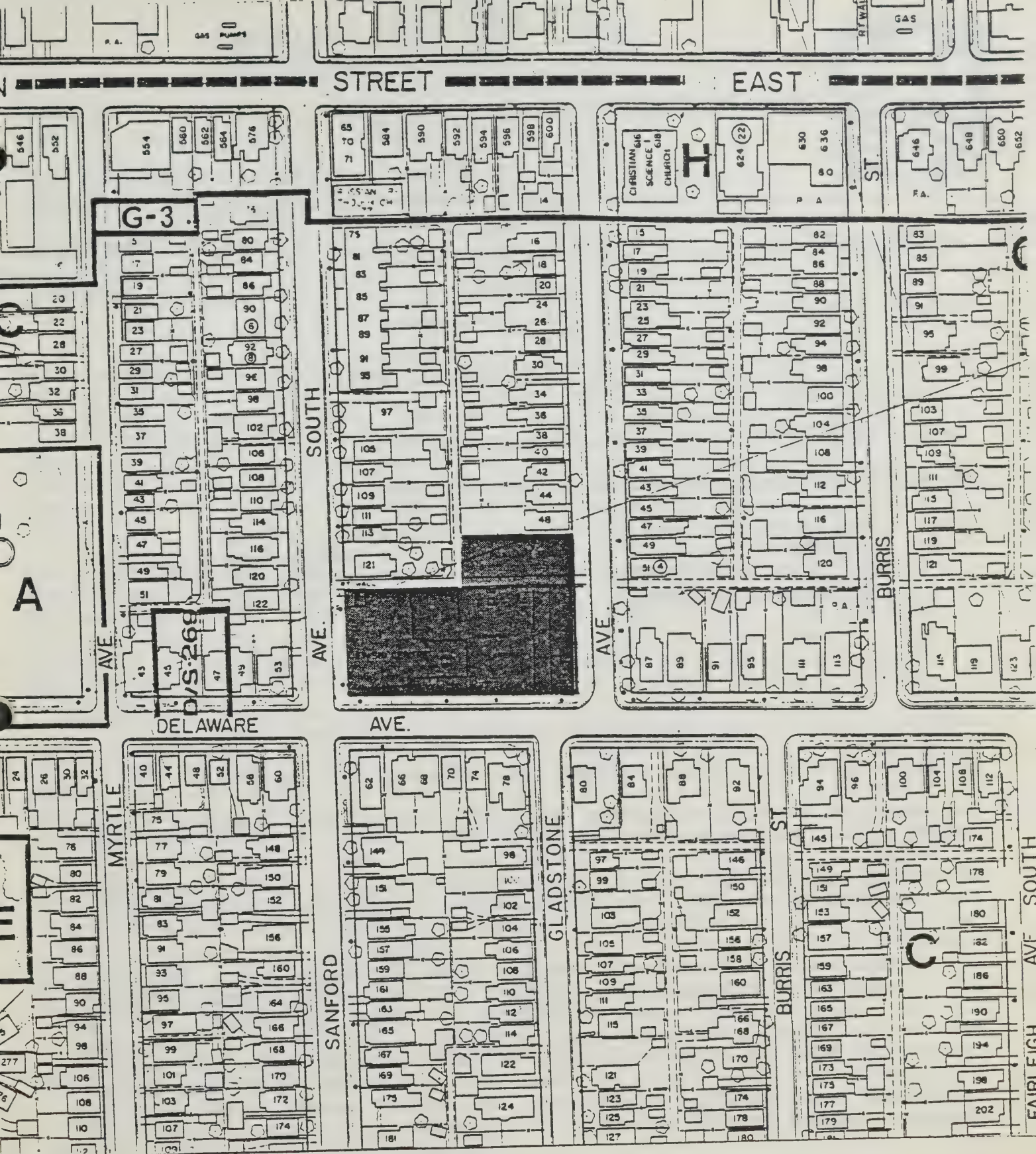
The definition of townhouse dwelling involves a minimum of 3 and maximum of 8 attached units. The applicant proposes to have 9 units attached to each other. This variance is minor in nature and therefore, may be supported.
5. Under the "DE-3" District regulations, the lands are subject to Site Plan Control By-law 79-275. Matters such as parking, access, landscaping will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal as modified can be supported.

J.H.:nd

W.P. DOC. 0517P



LEGEND

 SITE OF THE APPLICATION



ZA87-34

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

MAY 14 1987

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

File No.	Received	TO	STAFF	INIT.	INFO.	ACT.
		PP&A				
		NEIGH.				
		DEV.	52			
		E&U.D.				
		STAFF	54 94			
		CART.				
		ADMIN.				

ID#0067D (26)

May 11, 1987

Refer to File No. E220-1900
Attention of K.A. Brenne
Your File No. ZA-87-34

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-34 by the Hamilton Jewish Communal Projects Inc. for a change in Zoning from "C" to "E" regulations for property located at 57 Delaware Avenue

Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road widenings at this time.

Any work within the adjacent road allowances must conform to the respective Streets By-Laws.

According to the preliminary plans submitted, it is intended that the public assumed alley on the easterly portion of the lands to be developed will be closed. In order to close the alley it is required that the applicant read the attached information, fill out the form and submit the application form and appropriate monies to the Transportation Department. Once these forms have been received, we will initiate the steps necessary to close the alley. We also advise that the submission of an application to close the alley does not imply that the alley will be closed as these matters will be considered by the City of Hamilton Transport and Environment Committee and Council. Therefore, we cannot submit final detailed comments on the preliminary site plans until this matter is resolved.

Continued.....

Page 2
May 11, 1987

Zoning Application ZA-87-34 by the Hamilton Jewish
Communal Projects Inc. for a change in Zoning from
"C" to "E" regulations for property located at
57 Delaware Avenue

Continued.....

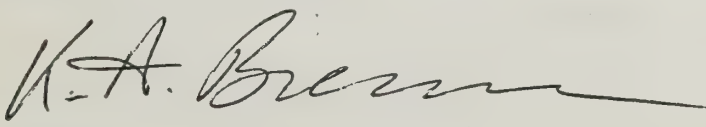
With respect to other items on the site plan, it appears that the visitor parking and loading spaces will be from the alley. According to our records, the only portion of the alley which is public assumed runs east-west between Sanford Ave. and Gladstone Ave. and the north-south portion of the alley is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the visitor parking area located north of the east-west alley.

We also recommend, that comments from the City of Hamilton Traffic Department be received as it appears that commercial vehicles will be required to back into the alley to the loading area. Since this is considered new development, it is our opinion that this type of access to a loading space is in contravention to the intent of the Regional Official Plan with respect to development control in Area Municipalities.

It is also unclear as to what will be constructed within the Sanford Ave. road allowance adjacent to the parking ramp. We therefore advise that no structures are permitted within the road allowance. Furthermore, the grade of the ramp must start on private property only and all driver visibility obstructions such as side walls, etc. should be recessed 3m from the Sanford Ave. road allowance. A level area (2-5%) should be provided for the first 6.0m east of the Sanford Ave. road allowance to allow for proper motorist visibility of vehicles and pedestrians within the road allowance.

We recommend that the lands be developed through site plan control and advise that detailed comments will be submitted at such time as landscaping and grading plans are submitted.

Any work within the adjacent road allowances must conform to the respective Streets By-Laws.


TLH/HG:cc
encl.

39 Sanford S.
HAMILTON LSm 2G7
MAY 21 1987
ZAB7-34

May 14, 1987

To: Planning and Development Committee

We have received your letter about changing Nos. 57, and 85 Delaware Avenue from zoning C to F. We are opposed to this. We would like this area to remain a protected residential area.

By building a condominium apartment building and townhouses this area will not be as quiet and peaceful as it is now.

Yours truly,

Mrs. Avdoulas
Mr. N. Avdoulas
Georgia Akkas
Stelios Akkas

Copy - Y. Abraham, Planning
P. Eker, Solicitors

1987 May 20

FOR INFORMATION

FROM Planning and Development Department

DATE May 27, 1987

TO Planning and Development Committee

Refer to File No.

DA-87-04

DA-87-12

DA-87-20

DA-87-22

Attention Of

V. J. Abraham

BACK GROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd

W.P.DOC.0390P(42)

F O R A C T I O N

FROM Planning and Development Department

DATE April 28, 1987

TO Planning and Development Committee

Refer to File No. DA-87-04
STINSON NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for an eleven storey residential-commercial complex to be developed at the south-west corner of Main Street East and Erie Avenue. ✓

The new structure will be constructed around the existing one storey bank ✓ located on the site.

The ground floor will contain some commercial retail area, a meeting and recreation room, one dwelling unit and parking. The remaining ten floors will contain forty apartment units intended as condominium units. ✓

A total of 52 parking spaces will be provided at grade and one level below grade. ✓

The following variances are proposed: ✓

1. a residential gross floor area of 4500 square metres instead of the maximum permitted area of 3617 square metres;
2. a westerly residential side yard of 6.0 m instead of the required 13.49 m minimum;
3. a westerly commercial side yard of 0.3 m instead of the required 4.49 m minimum;
4. a loading space depth of 9.0 m instead of the required 18.0 m minimum;
5. a landscape area at grade of 250 square metres instead of the required minimum area of 284 square metres; ✓
6. less than the required 50 per cent natural planting. ✓
7. a deletion of a portion of the required 1.5 m landscape strip along the rear property line between the lot line and the proposed parking area. ✓

COMMENTS

The following are comments on the proposed variances for the projects:

- a) The total gross floor area of 4950 m^2 (53,283 sq.ft.) is within the maximum gross floor area of 8035 m^2 permitted for this site. However, the variance proposed is to increase the residential portion to 4500 m^2 (48,439.18 sq.ft.) instead of the maximum 3617 m^2 (38,934.34 sq.ft.) ✓

Since the increase in residential gross floor area does not alter the intent of a mixed residential-commercial use and is within the total gross floor area permitted for the site, the variance is satisfactory. ✓

- b) The westerly side yard for the residential and commercial structures are proposed to be reduced from 13.49 m (44.2 ft.) to 6 m (20 ft.) and 4.49 m (14.7 ft.) to 0.3 m (0.9 ft.). ✓

Since the lands to the west are zoned "H" (Commercial) District, in which side yards may be 0 to 3.0 m, the reduction of the yard on the subject lands is satisfactory.

- c) The required 18.0 m (59 ft.) long loading space is proposed to be reduced to 9.0 m (30 ft.). Since the development is relatively small, and the site can accommodate only a 9.0 m long loading space, the variance is satisfactory. ✓

- d) Although the total landscaping of 820 m^2 (8826.6 sq.ft.) is provided, the required landscaping at grade is proposed to be reduced from 284 m^2 (3057 sq.ft.) to 250 m^2 (2691 sq.ft.). This is a minor reduction and does not substantially alter the proposed open space area and is therefore satisfactory. ✓

- e) The proposed landscaping at grade and second floor levels consists of hard surfaced walkway areas and 31 square raised planters. These planters containing trees, shrubs and flowers are approximately 1.5 m squared and located over structural columns. The applicant should indicate the calculations for this natural landscaping and should increase the size of the planter to a minimum of 2m x 2m. ✓

Although a slight reduction in the amount of natural landscaping can be supported, the calculation should not be less than 300 m^2 or 40% as opposed to the approximately 378 m^2 or 50% required by the by-law. Any further reduction would alter the intent of providing natural landscaping on the site. ✓

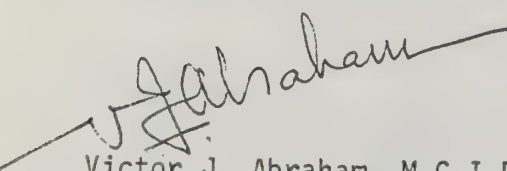
- f) A 1.5 m wide landscape strip is required along the southerly property line between the proposed parking area and the adjacent residential district. Since the lot line is irregular and provides some landscaping as space is available, and is adjacent to an existing driveway, the variance to delete the easterly 21.03 m length of landscape planting strip is satisfactory. ✓

In conclusion, the proposed variances can be supported. ✓

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-04 by Weizer Investments Limited, owner of lands at 432 Main Street East, for an eleven storey commercial-residential complex (condominium) subject to the following:

- (a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans; ✓
- (b) provision of a note on the plan indicating the amount of "natural" landscaping to be provided at grade and above grade. ✓
- (c) approval by the Committee of Adjustment for the following variances: ✓
 - 1. a residential gross floor area of 4500 square metres instead of the maximum permitted area of 3617 square metres; ✓
 - 2. a westerly residential side yard of 6.0 m instead of the required 13.49 m minimum; ✓
 - 3. a westerly commercial side yard of 0.3 m instead of the required 4.49 m minimum; ✓
 - 4. a loading space depth of 9.0 m instead of the required 18.0 m minimum;
 - 5. a landscape area at grade of 250 square metres instead of the required minimum area of 284 square metres; ✓
 - 6. a natural planting area of a minimum of 40% instead of the required 50% of the required landscaping. ✓
 - 7. deletion of the required 1.5 m planting strip along a portion of the rear lot line abutting the parking area. ✓
- (d) provision of a second level floor plan to be included on the plan to indicate the public corridor access to the landscape area on the second level. ✓

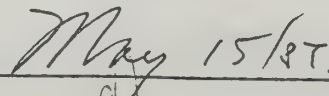
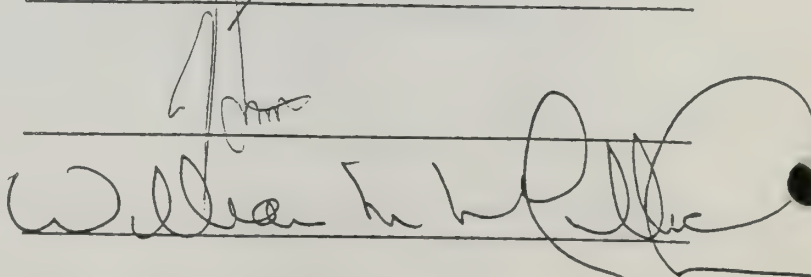

Victor J. Abraham, M.C.I.P.
Director of Local Planning

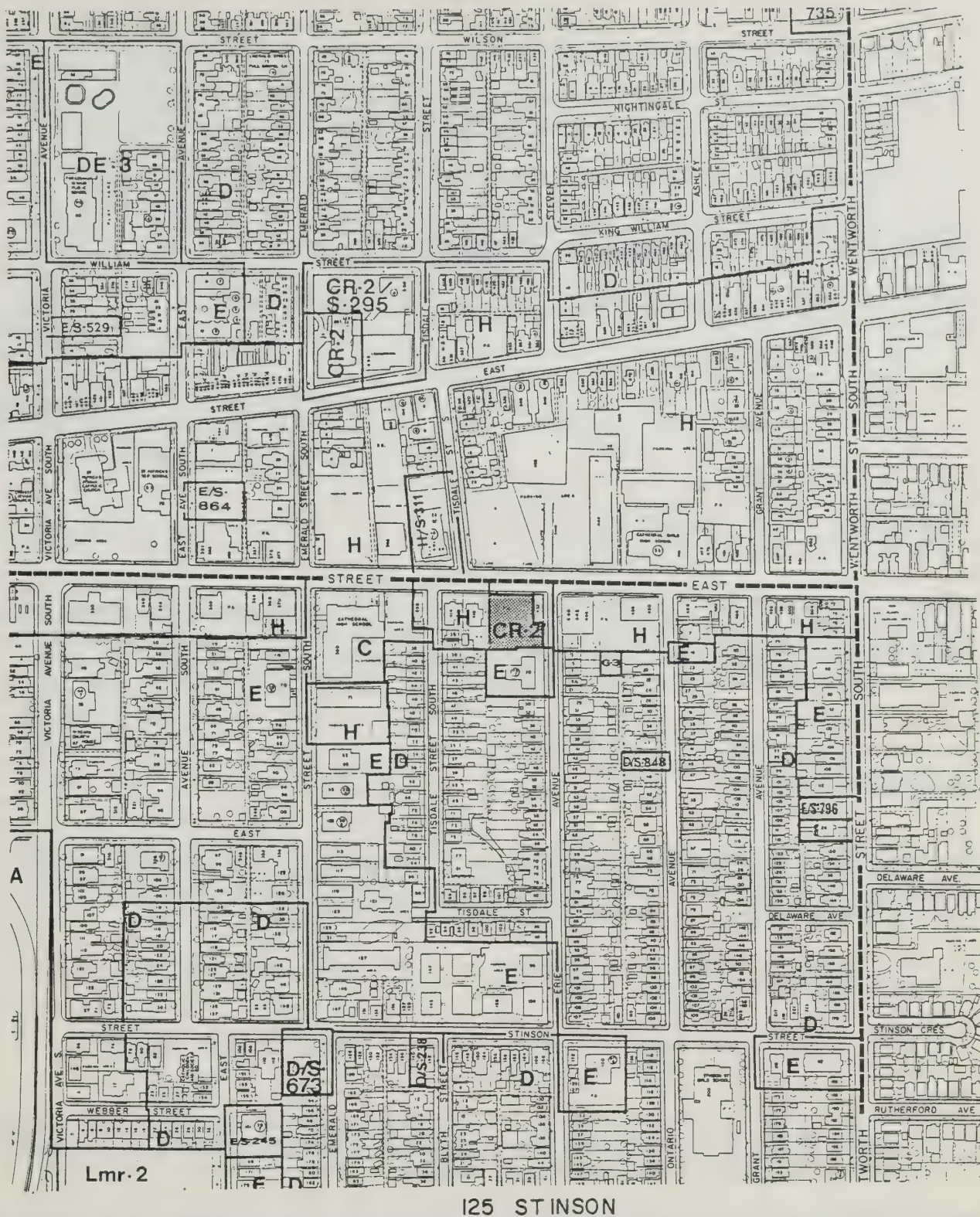
Approved On:

Alderman John Smith
Chairman

Alderman William McCulloch
Ward Alderman

VJA/JPS/jd
W.P.DOC. 0390P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-04

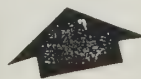
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JAN., 1987

Reference File No.
DA-87-04

Drawing No.
87-H-9

F O R A C T I O N

FROM Planning and Development Department DATE May 5, 1987
TO Planning and Development Committee Refer to File No. DA-87-12
 FESSENDEN
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a twenty (20) unit townhouse development to be located at 648 Upper Paradise Road. The two and one-half storey structures are to be constructed of brick and aluminum siding and a garage with each unit. A total of six (6) parking spaces are provided on the site for visitors.

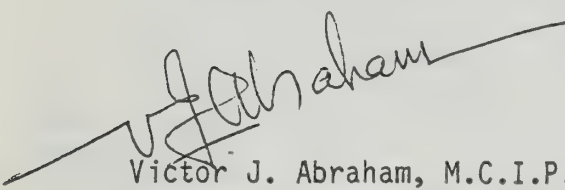
RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-12 by 480748 Ontario Ltd., owner of lands located at 648 Upper Paradise Road, for a twenty (20) unit townhouse development subject to the following:

- 1) modification to the plans related to dimensions, notes and fire route signs as marked in red on the plans;
- 2) dedication to the Region of lands shown as Part 1 on Reference Plan 62R-8597 for road widening purposes;
- 3) provision of an agreement with Engineering Services Committee to provide for the alteration of the driveway to Upper Paradise Road at the time of construction of the east-west expressway;
- 4) finalization of a noise berm easement which should include the notation to permit the turnaround and garbage facility to be located within the berm easement; and,

- 5) provision on the plan as marked in red, for the following note pertaining to construction adjacent to the proposed Mountain Freeway.

"The proposed building design and construction will reduce noise to an L10 standard as indicated in Table #7 of the Department of Highways report RR168 "Noise and Vibration Control for Transportation Systems", given an assumed source of noise of 85dba."

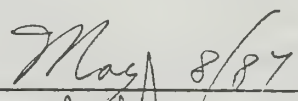
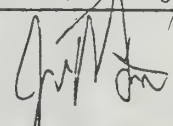
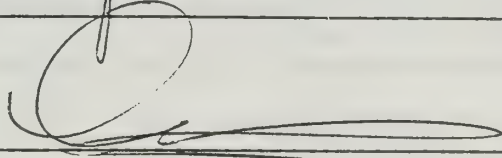

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

Alderman Don Ross
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

F O R A C T I O N

FROM Planning and Development Department

DATE May 11, 1987

TO Planning and Development Committee

Refer To File No. DA-87-20

NASHDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for development of lands at the eastern end of Keefer Court for a 142 room Signature Inn hotel complex with a restaurant and meeting room. The hotel complex will be a total of seven floors while the restaurant will be one floor at the easterly end of the hotel structure. Parking for 194 vehicles is provided around the building with a landscape treatment enhancing the site.

The site is to be developed in conjunction with adjacent lands to the east where an office and retail complex is being processed under Site Plan Control Application DA-87-22. The two sites will have access to both Goderich Road and Keefer Court.

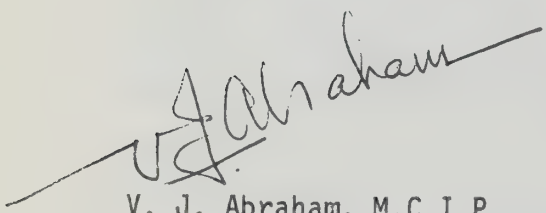
RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-20 by Jillco Stoney Creek Joint Venture, owner under agreement of purchase and sale, of the lands at the east end of Keefer Court, for development of a hotel and restaurant complex subject to the following:

- (a) modification to the plan related to dimensions and notes as marked in red on the plans;
- (b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- (c) provision of reciprocal rights-of-ways for common access to Goderich Road and Keefer Court and for manoeuvring spaces located on adjacent lands to be registered on title;
- (d) provision of a note on the plan indicating that the Ministry of Transportation and Communications must be contacted for permits pertaining to matters such as signs and lighting adjacent to a provincial highway.

- (e) clarification of the maximum capacity of the meeting room and restaurant to the satisfaction of the Building Commissioner at the time of the Building Permit; and further,

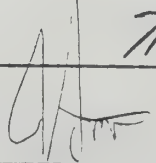
That in regard to condition (c), that since the owners of the adjacent land have been involved in the preparation of the plans and in order to expedite the project, a letter of undertaking from the owner be accepted, to finalize the reciprocal rights-of-ways.

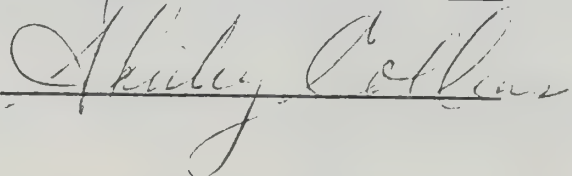

V. J. Abraham, M.C.I.P.
Director of Local Planning

Approved date:

Alderman John Smith
Chairman

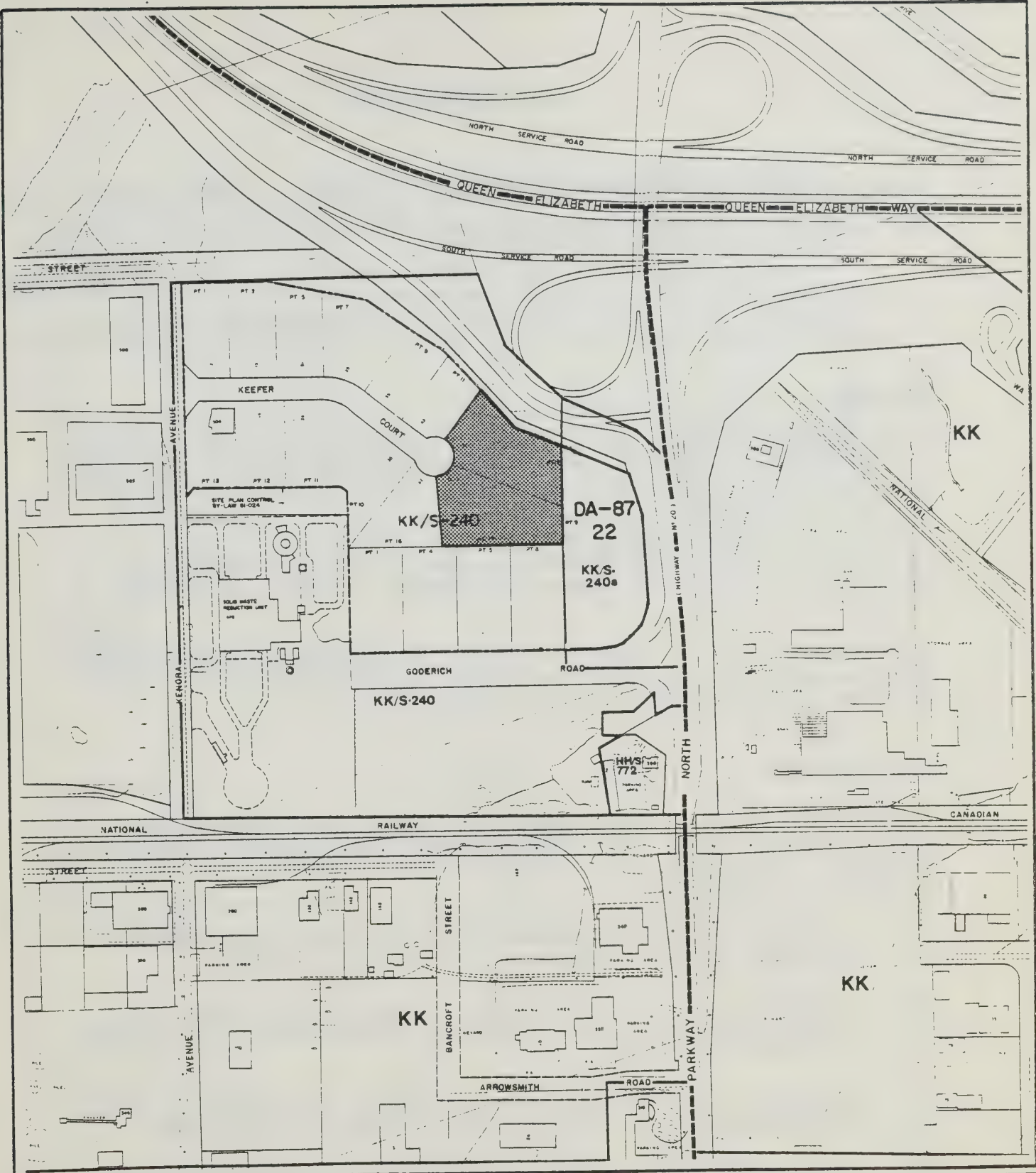
Alderman Shirley Collins
Ward Alderman


May 15/87



J.P.S.:nd

W.P. DOC. 0508P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-20

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
April 1987

Reference File No.
DA-87-20

Drawing No.
87-H-24

F O R A C T I O N

FROM Planning and Development Department

DATE May 11, 1987

TO Planning and Development Committee

Refer To File No. DA-87-22

NASHDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a commercial development to be located at the north-west corner of Centennial Parkway North and Goderich Road. The first floor will provide approximately 2,719 m² (29,268.03 sq. ft.) of retail floor area while a second floor located at the north end of the structure will provide approximately 886 m² (9,537.13 sq. ft.) of office space. A total of 104 parking spaces are provided around the brick-faced structure with landscape treatment to enhance the entire property.

The driveway system is integrated with the development to the west which is being processed under Site Plan Control Application DA 87-20. Both projects will have access to Goderich Road and Keefer Court.

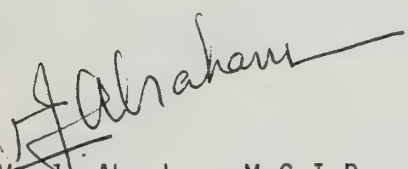
RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-22 by Landawn Shopping Centre, owner of the lands at the north-west corner of Centennial Parkway North and Goderich Road for a commercial development subject to the following:

- (a) modification to the plans related to dimensions, notes, sign locations and landscaping as marked in red on the plans;
- (b) submission of a revised site plan incorporating two required loading spaces at 3.7 m x 18 m to the satisfaction of the Director of Traffic Services;
- (c) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- (d) provision of a note on the plan indicating that the Ministry of Transportation and Communications must be contacted for permits pertaining to matters such as signs and lighting adjacent to a provincial highway;

- (e) provision of reciprocal rights-of-ways for common access to Goderich Road and Keefer Court and for manoeuvring spaces located on adjacent lands to be registered on title;
- (f) submission of a revised grading and landscape plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department to provide sufficient driver visibility from the Goderich Road access to the ramp from Centennial Parkway North; and further,

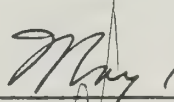
That in regard to condition (e), that since the owners of the adjacent lands have been involved in the preparation of the plans and in order to expedite the project, a letter of undertaking from the owner be accepted, to finalize the reciprocal rights-of-ways.

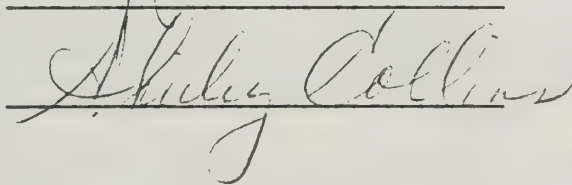

V. J. Abraham, M.C.I.P.
Director of Local Planning

Approved date:

Alderman John Smith
Chairman

Alderman Shirley Collins
Ward Alderman

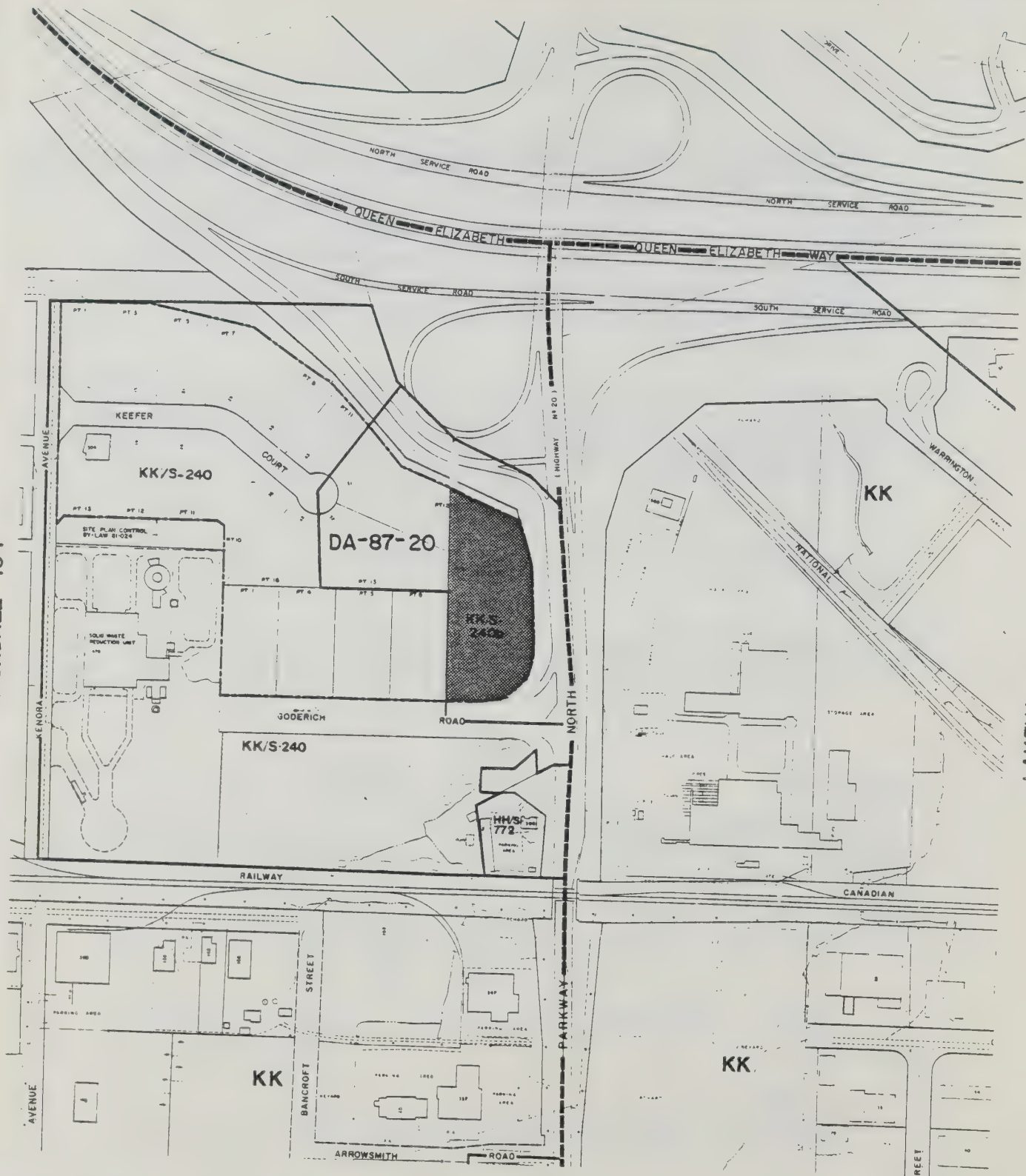

May 15/87



J.P.S.:nd

W.P. DOC. 0510P

NASHDALE 104



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-22

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAR., 1987

Reference File No.
DA-87-22

Drawing No.
87-H-13

F O R A C T I O N

14.

FROM Planning and Development Department

DATE May 11, 1987

TO Planning and Development Committee

Refer To File No. P5-6-8-4

Attention Of V. J. Abraham

SUBJECT

Day Nurseries: An assessment of Hamilton land use policy and controls.

RECOMMENDATIONS

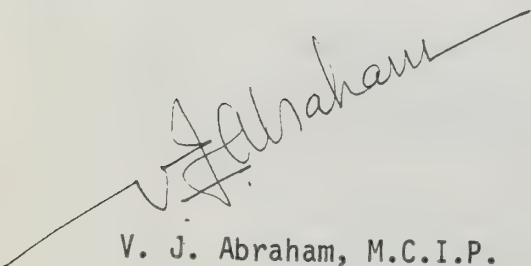
That a public meeting be held to discuss and request submissions on the following recommendations and request submissions.

- o As part of the Official Plan's five year review, explicit policy statements should be added to Sections A.2.3 (Industrial Uses) and A.2.4 (Open Space) permitting day nurseries in these land use designations. Such policies should be in keeping with those outlined in Section A.2.6 - Major Institutional Uses.
- o At the same time, a new policy should be added to Section A.2.6 of the Official Plan, encouraging day nurseries where:
 - parking is readily available
 - a drop-off/pick-up zone could be provided
 - substantial noise and traffic problems would not be created
- o The definition of Day Nursery in the Zoning By-law should be amended to make it conform with provincial legislation.
- o The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts except "A" (Open Space), "F" (Special Waterfront), G-3 (Parking), and "L" (Planned Development).
- o The Zoning By-law should be amended as follows:
 - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) day nurseries should be limited to a maximum of ten children. This restriction should not apply to day nurseries in schools, churches or community centres.
 - In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) along major roads (as defined on Schedule F of the Hamilton Official Plan and shown on Map 2) there should be no limit on the number of children permitted in a day nursery.

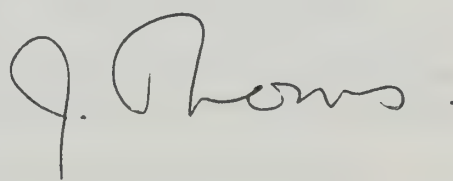
- In all other zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m² of outdoor play space and 2.8 m² of indoor play space for each child.
- In the case of a converted dwelling used as a day nursery, the "play area" should be restricted to the rear yard.
- o The Zoning By-law should be amended to require day nurseries to have an on-site loading and/or parking zone for motorists to drop off and pick up children to accommodate one car per six children at any one time.
- o Site Plan Control should be applied to all new Day Nurseries with more than ten children, as well as to the expansion of existing Day Nurseries regardless of zoning district.

EXPLANATORY NOTE

This report was prompted by a petition signed by certain residents in the Buchanan Neighbourhood who opposed the establishment of a day nursery at 116 Laurier Ave. The Planning Department subsequently was directed to conduct an overview of how land use policy and controls affect day nurseries.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND REPORT

1. INTRODUCTION

This report assesses Hamilton land use policy as it pertains to day nurseries.

Section 2 defines "day nursery", and contrasts it to "home day care". Section 3 of this report provides some background on the need for this type of facility, in Ontario and Hamilton. It is concluded that a substantial unmet need exists, especially for infant, "before and after school", emergency, and 24 hour care. As well, Section 3 reveals that certain communities are relatively worse off than others. It is concluded that land use restrictions should not be altered in a way that limits the number of new day nurseries.

Section 4 subsequently identifies how Hamilton's Official Plan and Zoning By-law affect day nurseries. These provisions are seen to impose a number of restrictions on that type of facility.

Section 5 then deals with the most contentious day nursery issue: whether they should be permitted in residential areas, and if they do, whether they should be subject to special restrictions. A conflict between different interests is shown to exist.

Section 6 notes how other municipalities have attempted to resolve this issue.

Section 7 outlines a number of policy guidelines on the issue of day nurseries, and then lists a number of recommendations on how the Official Plan and the Zoning By-law might be modified.

2. DEFINITIONS

"Day nursery" is defined in the Day Nurseries Act as:

A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are.

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

- (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act, or
- (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 10 of the Ministry of Culture and Recreation Act;

This definition includes nursery schools, nursery co-ops, and day care centres. The Hamilton definition, however, is somewhat different, since it is based on a superceded piece of provincial legislation. The main difference is that four children are seen to constitute a day nursery, not six.

"Private home day care" refers to the supervision of 1 to 5 children unrelated to the care giver in a private home. Private home day care is not dealt with in this report, for two reasons. First, no policy guidelines on this subject are outlined in the Official Plan. Such guidelines may be needed, but their development more appropriately would be the subject of a separate report. Second, child care arrangements with an enrolment of three or less generate little traffic or noise. The planning issues associated with day nurseries therefore do not apply to private home day care.

3. THE NEED FOR CHILD CARE FACILITIES

Introduction: The Ontario Situation

At present, Hamilton and the rest of the Province are facing a serious shortage of licensed child care facilities. Although, the number of preschool and school age children has declined steadily over the past two decades, there has been a dramatic increase in the number of women in the labour force and in the number of lone parent families have led to an overall increase in the demand for child care.

More specifically, there has been an increase in the requirement for spaces in day nurseries. Survey results document "an expressed preference among parents of virtually all social classes and ethnic backgrounds for supervised and licensed group care for pre-school children." (Bureau of Municipal Research 1981, 2) Indeed, the Social Planning Council of Metropolitan Toronto (1984) has estimated that 64% prefer day care centres over informal arrangements.

In response, the various levels of government, businesses and non-profit groups have increased the number of day nurseries. Here, Ontario has been particularly successful. The Day Nurseries Act, which divides up the costs of building and renovating a day nursery among the different governments and which creates a subsidy structure supported by government and day nursery operators, has encouraged a sufficient increase in the network of child care facilities. In 1961, Ontario had 328 centres and 13,434 spaces. The figures for 1981 were 1,767 and 65,593 (Ontario Statistics 1977, 1984).

Still, questions have been raised as to whether this additional space is enough. The Bureau of Municipal Research (1981, 11) notes that "while Ontario has been a leader in recognizing day care as an essential social service, it has failed to keep pace with demand." The Social Planning Council of Metropolitan Toronto (1984) reported that in Ontario, only 38% of the preschool children from families needing and wanting full-time care were cared for in the formal system. An additional 84,000 full-time day nursery spaces were needed to serve those pre-school children with working parents who prefer formal day care arrangements.

This need for more child care facilities was illustrated further by a 1985 Canada-wide study by the Federal Government's Status of Women Office. Findings include:

- o There was a major imbalance between child care preferred and child care utilized. Among the full-time working parents of infants (under 18 months), 42.3% wanted to use day care centres, but only 32.3% were able to do so. 50% of the parents of preschoolers wished to send their children to day cares, but only 39.7% could do so.
- o Married women and especially single parents, who have children under 5 had labour force participation rates below those that they preferred. Lack of access to quality child care was a major factor here.

This second finding brings to light the "hidden demand" for child care. As noted by the Social Planning and Research Council of Hamilton and District (1971), it is necessary to consider "those people who, while at the moment not demanding day care services, might express a demand, given changed financial or social circumstances, or if a different type of service was available."

Licensed Child Care in Hamilton: Overall Need

According to a survey conducted in October, 1986 (See Appendix) Hamilton has 53 day nurseries with a licensed capacity of 2,422, and an estimated total enrolment of 2,848. It is apparent from this survey that while all types of child care can only accommodate a fraction of their target populations, the discrepancy is greater in certain situations:

- o infant care: only 6 day nurseries provide care to children under 18 months. These centres have a licensed capacity of only 68 in this age category.
- o 24 hour care: only 2 centres (licensed capacity 41) provide care around the clock. This is quite surprising, given the number of shiftworkers in Hamilton.

- o before and after school care: Only 3 schools (60 places in total) provide supervision before and after school, although 6 day nurseries take in a few school age children in addition to preschoolers. At the same time, however, the number of "latchkey" children must be large.

It is very difficult, however, to establish the demand for licenced child care facilities in Hamilton. It is inappropriate to assume that Ontario figures on this subject can be applied to any one city, owing to the unique employment and ethnic structure of each. The only comprehensive study of day nursery need in Hamilton was conducted by the Social Planning and Research Council in 1971. Unfortunately, most of the data in this study is too old to be useful.

The only recent study was conducted by Single Mothers Against Poverty (1983). The results are of interest, although a small sample size was used (290) and the survey only was concerned with low income single parents. 24% of respondents identified child care as a problem in their current paid employment, while 27% said that child care has prevented them from working, either at present or in the past.

We should also note the findings of a study conducted by the Social Planning and Research Council in 1983 on the subject of emergency child care. There is an absolute lack of this service in Hamilton, although 96.4% of respondents thought one was necessary.

Licensed Child Care Facilities in Hamilton: Distribution

Day nurseries can be either work-based or community-based. Recently, there has been considerable support for the former. Businesses see on-site child care facilities as a way to recruit personnel, reduce absenteeism, and reduce employee turnover. Employees benefit by having access to their children at lunchtime, and by gaining access to low cost day care - assuming the employer provides subsidies (Women's Bureau, Ontario, Ministry of Labour, 1981).

Still, community-based child care remains dominant. In Hamilton, only 8 of the 53 day nurseries are associated with the workplace. Still, community-based care is regarded as the preferred option by many child care professionals (Association for Early Childhood Education, Hamilton Branch, 1978). Furthermore, parents seem to prefer this option (Social Planning and Research Council's 1971).

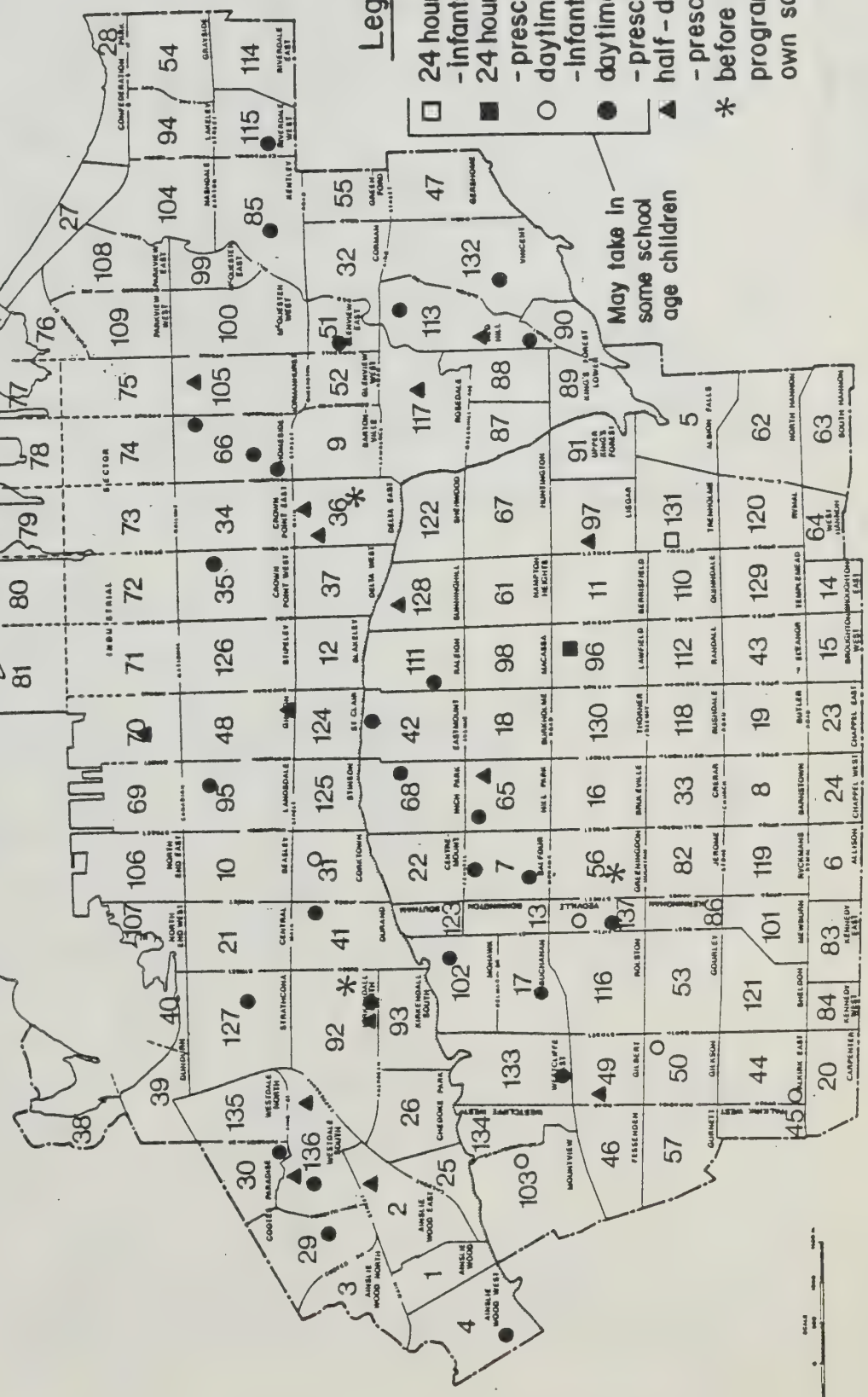
When we look at the distribution of community-based child care facilities, however, some serious mismatches are evident. A 1978 study by the Social Planning and Research Council compared the actual and predicted distribution of day care places, based on the distribution of day care users. In general terms, the West end, downtown and the older parts of the Mountain had a relative oversupply, while the newer parts of the Mountain and the extreme East end had a relative undersupply.

Map 1a: Day Nurseries in Hamilton



Lake Ontario

HAMILTON HARBOR



Legend

- 24 hour care
- -infants & preschoolers
- 24 hour care
- -preschoolers
- daytime care
- -infants & preschoolers
- daytime care
- -preschoolers
- half-day nurseries
- ▲ -preschoolers
- * before & after school programs in child's own school

May take in
some school
age children



Map 1b:



1

A review of the current distribution of full-time community day nurseries compared to the distribution of children 0-4 reveals a similar problem, though the shortage in the extreme East end seems to have been rectified somewhat (see Maps 1a and 1b). At present, the Regional Social Services Department identifies the West End as having a special shortage of day nursery places. The supply remains relatively high, compared to other parts of the city, but demand in this area also is higher than elsewhere.

Assessment

We can conclude the following:

- o there is a shortage of all types of licenced child care, but especially of infant, 24-hour, before and after school and emergency care.
- o certain communities in Hamilton are less serviced than others by community-based day nurseries.

More research is necessary, however, before the exact extent of these problems can be identified.

4. DAY NURSERIES AND LAND USE POLICY IN HAMILTON

Introduction

Municipalities can influence the supply and distribution of day nurseries in a number of ways. These include:

- o the nature of the subsidy structure (extent of funding and income cut-off levels).
- o policy regarding the use of municipal facilities for day nurseries.
- o the extent of support for groups attempting to establish day nurseries.
- o land use policy.

Below, we focus on the last of these. Hamilton's Official Plan and Zoning By-law are examined, to determine the impact they have on the supply and distribution of day nurseries.

Official Plan Policy

The City of Hamilton's Official Plan allows for a great deal of flexibility in the location of day nurseries. Because they are considered a "major institutional use", they are permitted in areas designated "Major Institutional", as well as in most other land use categories.

Section A.2.1.3 permits the establishment of institutions less than 0.4 ha. in residential areas, though subjects these in provisions set out in Section A.2.6. These include:

- "i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area."

Of these restrictions, only those dealing with parking likely would create difficulties for day nursery operators. The extent of these difficulties, however, would depend on how "sufficient" is defined in the Zoning By-law.

At the same time, Section A.2.2.1 permits major institutional uses in areas designated "Commercial", without establishing a site area requirement.

Day nurseries also may be permitted in industrial areas. Section A.2.3.1 permits:

"all uses which, in the opinion of council, complement and do not interfere with, or detract from, the primary function of the area."

Similarly, Section A.2.4.2 permits uses in areas designated "Open Space" which are compatible with the primary permitted use.

In summary, day nurseries are permitted implicitly or explicitly in all appropriate land use categories. They are not permitted in areas designated "Open Water" or "Utilities", but these limitations are reasonable. Therefore, the establishment of workplace and community-based day care is supported by the Official Plan.

Such support, however, could be much more explicit. Therefore, policy statements in the Industrial and Open Space categories permitting the establishment of institutional uses such as day nurseries would give greater guidance to Council.

Zoning By-law

As with the Official Plan, the Hamilton Zoning By-law (By-law 6593) imposes few limitations on the location of day nurseries. As outlined in Table 1, this use is permitted in virtually all residential zones, except "B" zones, (suburban/agricultural and large lot residential) and the RT-30 zone (street townhouses). Furthermore, workplace day care is encouraged, by permitting day nurseries to locate in most commercial and industrial zones.

In a number of cases, however, the Zoning By-law does not permit the degree of flexibility characteristic of the Official Plan. Day nurseries are not allowed (for example) in prestige industrial zones (M11-15), or designed neighbourhood shopping centres (G4). The commitment to workplace day care therefore is not as great as it might first seem.

Furthermore, Table 1 reveals that day nurseries found in residential and most commercial zones are subject to certain restrictions. Day nurseries may accommodate a maximum of 25 children, or 1 child per 5.5 m² of yard space, whichever is less. As well, play areas are limited to the rear yard. These restrictions do not apply, though, to day nurseries located in churches, schools, community centres, or other such public buildings (Section 9.1.iii of the By-law).

Yet, in other ways day nurseries in residential zones are subject to fewer restrictions than called for in the Official Plan. The parking concerns outlined in the Official Plan are not addressed in the Zoning By-law.

5. COMMUNITY CONCERNS ABOUT DAY NURSERY ZONING PROVISIONS

Introduction

Recently, questions have been raised regarding how the Zoning By-law influences the location and nature of day nurseries. All of these questions concern day nurseries in residential areas, although at present only 15 day nurseries are located in residences or converted residences (see Appendix).

This issue has been brought to the attention of the Planning and Development Department as a result of:

- o an application to rezone a parcel of land on Strathearne Ave.
- o an application to rezone a parcel of land on King St. East.
- o a submission by the Hamilton Chapter of the Association for Early Childhood Education (A.E.C.E.).
- o a petition by residents of the Buchanan Neighbourhood.

Strathearne Ave. Rezoning

In October, 1983, an application for a zoning change was received for the property located at No. 331-333 1/2 Strathearne Ave. This property was in a "C" Zone, meaning day nurseries are restricted to a maximum of 25 children. The owner, however, wanted to expand the centre to a licenced capacity of 37.

TABLE 1

DAY NURSERIES AND ZONING IN HAMILTON

	<u>Zone</u>	<u>Not Permitted</u>	<u>Permitted</u>	<u>Permitted subject to restrictions (see text)</u>
A	Recreational	X		
AA	Agricultural	X		
B	Residential	X		
B-1	Residential	X		
B-2	Residential	X		
C	Residential			X
D	Residential			X
DE	Residential			X
DE-2	Residential			X
DE-3	Residential			X
RT-10	Residential			X
RT-20	Residential			X
RT-30	Residential	X		X
E	Residential			X
E-1	Residential			X
E-2	Residential			X
E-3	Residential			X
F		X		
U		X		
G	Commercial			X
G-1	Commercial	X		
G-2	Commercial			X
G-3	Commercial	X		
G-4	Commercial	X		
H	Commercial			X
HH	Commercial	X		
I	Commercial/ Institutional		X	
HI	Institutional	X		
CR-1	Commercial/ Residential	X		
CR-2	Commercial/ Residential	X		
CR-3	Commercial/ Residential	X		
J	Industrial		X	
JJ	Industrial		X	
K	Industrial		X	
KK	Industrial		X	
L	Industrial	X		
M(11-15)	Industrial	X		

This application was considered to have merit and warrant further consideration, for the following reasons:

- i) The day care centre provides a beneficial community service for working parents in this area of the city;
- ii) The day care nursery is situated near the intersection of Barton Street East and Strathearn Avenue, has access to a public transit route, is located directly opposite the Strathbarton Mall, and is within close proximity to the eastern industrial area where many parents of the children are employed;
- iii) The applicants are experienced operators. The Hamilton-Wentworth Social Services Department has a purchase of Service Contract with the day care nursery and, based on their performance record, recommend approval of the application;
- iv) Sufficient off-street parking (i.e. approximately eight stacked spaces) can be provided on the site for the two residential dwelling units and the day care nursery. The applicant has advised that, if required, additional off-street parking could be provided across the road at the Strathbarton Mall through an agreement with the Mall owners;
- v) The subject property appears to be well buffered with respect to adjoining residential uses, in that the south-east corner of the property which contains the day nursery is enclosed by a high board fence. The remainder of the property is bounded by a picket fence. In addition, the rear yard of the property is separated from adjoining residential uses to the west by a 3.0 m (10 foot) wide unassumed laneway;
- vi) The hours of operation (i.e. 7:30 a.m. - 5:30 p.m. five days a week) should not conflict with the private enjoyment of the adjoining residential uses; and
- vii) No change in use will occur. The effect of the proposal is to allow a minor increase in the capacity of the day nursery (i.e. Ministry licence for 37 children).

In March, 1984, Council passed By-law 84-55, permitting a zoning change for the property.

This case illustrates the inflexibility of the regulations governing day nurseries in C Zones, and, by implication, in other residential and commercial zones subject to the same regulations. Clearly, the operation of day nurseries with more than 25 children should not in all cases be limited to schools, churches, community centres or other public buildings.

King Street East Rezoning

In May, 1986, an application for a zoning change was received for the property located at 2846 King Street East. The new owner of this property wishes to renovate the existing residence, put on an addition, and open up a large day care for 60 children. The property was zoned AA, so a zoning change was required. At the same time, however, none of the residential zones permitted a day nursery with more than 25 children. An industrial or commercial zoning was undesirable. Therefore, both a zoning change and a modification of the zoning by-law were necessary.

The Planning and Development Department supported this application, for many of the same reasons as the Strathearne Ave. case. The day nursery would provide a much needed service, would not detrimentally effect the neighbouring properties, and would not create any traffic problems. On July 9th, the Planning and Development Committee recommended that the application be approved, subject to site plan approval. The property is to be zoned "C", with a provision for a day nursery of up to 60 children.

Again, the inflexible nature of the existing zoning restrictions on day nurseries is illustrated.

AECE Submission

In 1978, the Association for Early Childhood Education presented a brief to the Planning Subcommittee on Residential Care Facilities. This brief argued that under no circumstances should day nurseries be limited to 25 children:

- o 25 children was too small a number for a "quality daycare" with the best staff and facilities.
- o Converted residences represent the most "homelike" environment for children. Day nurseries in churches or schools were more "institutional".
- o Community-based child care should be encouraged, owing to parental preferences and the removal of transportation subsidies.

In addition, the AECE criticized the provision limiting the play area to the rear yard. They argued that the front and side yards also should be allowed to qualify. If informal accommodation was sufficient (according to the Day Nurseries Act), the adoption of this suggestion would increase the capacities of day nurseries in converted residences.

In their concluding remarks, the AECE noted that the Hamilton Zoning By-law was "not nearly as permissive as it first appears."

The Buchanan Petition

In February 1986, the Building Department received a "quasi-petition", from residents of the Buchanan community, objecting to the establishment of a day care centre at 116 Laurier Avenue.

Mrs. Anne Weiss, one of the instigators of the petition outlined the concerns of local residents in an October 1986 interview:

- o The day care centre would create traffic congestion especially when the children were being dropped off or picked up. Noise from children on a quiet residential street with more than its share of elderly people. Old people are particularly sensitive to noise and may be bothered throughout the day, especially if they want to sit outside in summer.
- o This situation could be worsened in the future, if more day nurseries open up.
- o A number of day care centres, along with the residential care facility for mentally handicapped adults at 35 Laurier, was seen to present a threat to property values. This is a major concern among elderly people who will be considering selling their homes in the near future, in order to move into smaller dwelling units.

The Buchanan petition submits that the existing zoning by-law is seen to be too permissive.

Assessment

It is possible to conclude that in certain situations, the current Zoning By-law provisions are too restrictive. The Strathearne Ave. application demonstrates that a day nursery with more than 25 children is a reasonable use, if the need is there, if parking and congestion do not represent problems, and if a large lot is available.

Quiet residential streets present a different issue, however. The AECE and the Buchanan residents have different views about the appropriateness of day nurseries on such streets.

Clearly, it is desirable to minimize the impact of day nurseries on residential areas without excessively restricting this much needed community service.

6. ZONING FOR DAY NURSERIES IN OTHER MUNICIPALITIES

The question of how to deal with day nurseries in residential areas is not limited to Hamilton. Recognizing this, information was requested from a number of other municipalities on this issue. The information from those who replied is summarized in Table 5-1. It is apparent that municipalities approach the issue of day nurseries in residential areas in three basic ways:

- o those that do not have day nurseries as a permitted use, meaning that the establishment of each day nursery requires a separate zoning amendment (St. Catharines).

- o those that permit day nurseries in churches, schools and community centres only (Etobicoke, Brampton, Stoney Creek, Dundas, London).
- o those that permit day nurseries in converted residences, subject to certain restrictions (Brantford, Burlington, Kitchener).

The restrictions associated with the last of these include the following:

- o parking (Brantford, Kitchener, Burlington):
 - prevents the traffic congestion created by on-street parking
 - limits the size of day nurseries located in areas with other parking provisions (e.g. no parking in the front yard of a residential dwelling).
- o which yard(s) may be the play area (Brantford, Kitchener):
 - reduces noise
 - limits the capacity of day nurseries, since all must conform to the 5.6 m² of play area per child standard.
- o lot line provisions (Burlington):
 - limits day nurseries to the periphery of areas zoned for single family or semi-detached residential, or to areas that abut parks or institutional uses.
- o restriction to major roadways (Kitchener):
 - keeps day nurseries off quiet residential streets
- o separation (Kitchener):
 - reduces the density of day nurseries.
- o lot width (Burlington)
 - limits day nurseries to large lots, preventing, for example, the opening of small day nurseries in town houses.

It is hoped that the removal of certain existing restrictions, combined with the adoption of some of the above, would lead to zoning regulations that take into account both the need for extra child care facilities and the conflicting community concerns outlined in Section 4.

TABLE 2

ZONING FOR DAY NURSERIES IN 11 ONTARIO CITIES

DAY NURSERIES IN RESIDENTIAL AREAS¹

<u>Municipality</u>	<u>Permitted in residential structures</u>	<u>Permitted in institutional structures</u>	<u>Only permitted after Zoning amendment</u>	<u>Restrictions, if permitted in Residential Structures</u>
Brantford		X	x ²	Day nurseries may only locate in single family homes Parking - 1 space per 30.0 m ² of play room floor area Front yard may not be used as play area.
St. Catharines		X		
Etobicoke		X		
North York		X		
Brampton		X		
Stoney Creek		X		
Dundas		X ³		
Burlington	X	X		Not permitted in high density residential zones (above RL3-7) Parking: "place of assembly provisions (1 space per 6 people) Lot width - 60 foot minimum Lot line provisions - in single and semi-detached zones, at least 2 lot lines must abut another zone (public lands, school, park, etc.)
London		X ⁴		
Kitchener	X	X		Not permitted in residential zones R2, R2B, R2A Not permitted on minor residential streets in R3 zone Separation of 250 m Parking - 1 space for each 10 children accommodated at one time, plus one for the facility Loading - a safe off-street loading area if on a collector or arterial roadway
Hamilton	X			Not more than 25 children Play areas restricted to rear yards

Notes on Table 2:

- 1 Areas zoned residential and adjacent institutional zones.
- 2 Only permitted in underutilized school space.
- 3 Only non-profit day nurseries are permitted to operate in residential zones, due to the wording of the Dundas Official Plan.
- 4 Only permitted in institutions within residential zones, and only if the day nursery is on ancillary use.

7. CONCLUSIONS

POLICY GUIDELINES

From the work presented in Sections 2 and 4, we can establish the following guidelines for land use policy pertaining to day nurseries:

- o Given the substantial unmet need for child care facilities in Hamilton, land use policy should encourage the establishment of more day nurseries.
- o Day nurseries are poorly distributed, particularly if we accept that community-based child care is a desired option. Land use policy therefore should support the establishment of more such facilities in underserved areas. This does not mean, however, that restrictions should be more relaxed in one neighbourhood than in a similar neighbourhood elsewhere.
- o Other groups have expressed concern about day nurseries in residential areas. Land use policy, therefore should take into account the noise and traffic problems associated with child care facilities.
- o Workplace child care represents an alternative that also should be supported. Child care facilities therefore should be permitted in industrial and commercial areas.

Assessment of Official Plan

- o As indicated in Section 3, the Hamilton Official Plan allows for a great deal of flexibility in the location of day nurseries. A specific policy on this subject is not included, however.

Conclusion 1 and 2:

That a public meeting should be held to discuss the following recommendations contained in this report:

As part of the Official Plan's five year review, explicit policy statements should be added to Sections A.2.3 (Industrial Uses) and A.2.4 (Open Space) permitting day nurseries in these land use designations. This would make day nurseries a permitted use in all designations except for utilities and open water. Such policies should be in keeping with those outlined in Section A.2.6 - Major Institutional Uses.

Submission from the public should be invited for review by the Planning and Development Committee. At the same time, a new policy should be added to Section A.2.6 of the Official Plan, encouraging day nurseries where:

- parking is readily available
- a drop-off/pick-up zone could be provided
- substantial noise and traffic problems would not be created

Assessment of Zoning By-law

- o The definition of "day nursery" in the Zoning By-law does not conform to that found in the provincial legislation. This discrepancy should be eliminated.

Conclusion 3:

The definition of "day nursery" in the Zoning By-law should be amended in accordance with the Day Nurseries Act to the following;

"A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act, or

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 10 of the Ministry of Culture and Recreation Act".

- o The Hamilton Zoning By-law is somewhat more restrictive than the Official Plan, in that day nurseries are not permitted in certain industrial and commercial zones. These restrictions should be removed.

Conclusion 4:

The Zoning By-law should be amended to identify day nurseries as a permitted use in all zoning districts, except "A" (Open Space), "F" (Special Waterfront); G-3 (Parking) and "L" (Planned Development).

- o The Zoning By-law currently limits day nurseries in residential and certain commercial areas to 25 children.

In local residential areas 25 children may adversely affect the surrounding area in the terms of noise and traffic. In addition, a day nursery with 25 children is more of an institutional use than a small scale neighbourhood operation. Therefore, on local residential streets a maximum of 10 children should be permitted in a day nursery.

With a maximum of 10 children, day nurseries can remain in residential areas as a home occupation or a small scale operation. The noise and traffic created by a day nursery of this size is not above and beyond what can be expected in a residential area along local streets.

Since residential areas along arterial roads have a higher tolerance to noise and traffic, day nurseries in these areas should be exempt from the proposed 10 child limit.

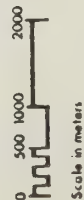
In other areas (non-residential areas) a day nursery, of any size should be compatible with surrounding land use or traffic activity. In these areas, the current limit of 25 children should be removed. The size of the day nursery will then be determined by the size of the structure, the amount of play space and parking. This revised requirement will provide flexibility for establishing day nurseries of any size, in appropriate locations through the City.

Conclusion 5:

The Zoning By-law should be amended as follows:

- In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) day nurseries should be limited to a maximum of 10 children. This restriction should not apply to day nurseries in schools, churches or community centres.
- In residential areas (areas zoned B, B-1, B-2, C, R-4, D, DE, DE-2 and DE-3) along major roads (as defined on Schedule F of the Hamilton Official Plan and shown on Map 2) there should be no limit on the number of children permitted in a day nursery.
- In all other zoning districts in which day nurseries are permitted, there should be no limit to the number of children attending the day nursery. In these cases, the number of permitted children will be determined by the Day Nurseries Act which requires 5.6 m² of outdoor play space and 2.8 m² of indoor play space for each child.
- In the cases of a converted dwelling used as a day nursery, the "play area" should be restricted to the rear yard.

Map 2



Existing Day Nurseries which do not comply to these revisions will be permitted to continue to operate as a "Legal Non-Conforming Use" and therefore will not be required to meet any revisions to the Zoning By-law in order to remain in operation. However, an expansion of an existing Day Nursery must comply with any new zoning provisions.

- o The Official Plan indicates that parking and loading restrictions should apply to day nurseries in residential areas. To improve safety and reduce traffic congestion, such restrictions should apply to all day nurseries. The following is proposed.

Conclusion 6:

The Zoning By-law should be amended to require day nurseries to have an on-site loading zone or parking area for motorists to drop off and pick up children. Such a zone should accommodate 1 car per 6 children at any one time, and should be designed in such a way so to ensure that vehicles enter the street in a forward manner. This should include provisions for staff parking.

- o New Day Nurseries may or may not be subject to Site Plan Control, since Site Plan Control is only applicable to certain zoning districts. Since it is proposed that large Day Nurseries are to be restricted to Major Roads the location of accesses should be controlled to ensure a minimal impact on existing traffic flows. In addition, controls may be necessary to ensure parking and play areas are properly located on the property. Therefore, Site Plan Control should be applicable to all Day Nurseries over the ten child limit as follows:

Conclusion 7

Site Plan Control should be applied to all new Day Nurseries with more than ten children, as well as for the expansion of existing Day Nurseries regardless of zoning district.

APPENDIX: DAY NURSERIES IN HAMILTON

In October 1986, all day nurseries in Hamilton were contacted, with the exception of Junior kindergartens and centres for the handicapped. The Community Information Services 1986/87 listing represented the chief source of information.

<u>Questions asked</u>	<u>Type of Response</u>
1. What is your capacity	Number
2. What is your enrolment	Number
3. How many children are on subsidy	Number
4. Are you full right now	Yes/No
5. If yes, what is your waiting list	Number
6. Is your centre work-related	Yes/No
7. What type of structure are you located in	Residence/converted residence, institutional, commercial building.

Information on hours of operation and the ages served was provided by the Community Information Service.

Questions 2 and 3 posed some difficulties, in that it was necessary to consult the Director and consult records. These questions were deleted, in order to do the survey quickly.

Question 5 posed similar difficulties. As well, there are a wide variety of waiting list policies. Therefore, this question was deleted also.

RESULTS

TABLE A-1: STRUCTURE TYPES

Residence/converted residence	15
School/church/community centre	30
Purpose built	<u>8</u>
	53

Including one built as a combination day nursery/residence.

TABLE A-2: ZONING STATUS OF DAY NURSERIES IN RESIDENCES OR CONVERTED RESIDENCES

Under 26 children	8
Over 26 children	
- In zones with 25 limit, but with spot zoning change	2
- In zones with 25 limit, non-conforming	4
- In zones without the 25 limit	<u>1</u>
	15

TABLE A-3: TYPES OF DAY NURSERIES

	<u>Days</u>	<u>Half Days</u>	<u>Time Open Before and After School</u>	<u>24 Hours</u>	<u>Total</u>
Infants	1 (1.9)	0	0	0	1 (1.9)
Preschoolers and infants	5 (9.4)	0	0	1 (1.9)	6 (11.3)
Preschoolers	20 (37.7)	16 (30.2)	0	1 (1.9)	37
Preschoolers and school age	6 (11.3)	0	0	0	6 (11.3)
School age	0	0	3 (5.7)	0	3 (5.7)
Total	32 (60.4)	16 (30.2)	3 (5.7)	2 (3.8)	53 (100)

TABLE A-4: LICENCED CAPACITY BY AGE

<u>Age Group</u>	<u>Licensed Capacity</u>
Infants	68
Preschoolers	2,173
School Age	<u>175</u>
	2,416

Six of the centres take both school age and preschool children. The survey did not distinguish between these groups. After discussing this with several day nursery operators, it was estimated that 5% of the preschool figure really are school age children.

2,173 = 95% of 2,294

TABLE A-5: CHILD CARE PLACES AVAILABLE BY AGE

	<u>Licensed Capacity</u>	<u>Enrollment</u> ¹	<u>Population</u> ²	<u>Enrolment as % of population</u>
Infants	68	81	0-1 = 5,615	1.4
Preschoolers	2,173	2,564	2-5 = 14,206 ⁴	18.0
School Age	<u>175</u>	<u>203</u>	6-12 = <u>25,396</u>	<u>0.8</u>
	2,416	2,848	45,217	6.3

¹ Slightly higher than capacity, since different children may be there at different times. Finding the figures for all day nurseries turned out to be a too time consuming task. Provincial ratios between enrollment and licensed capacity therefore were utilized to provide an estimate.

² 1985 Assessment figures.

³ This figure is slightly overestimated, since "infant" means under 18 months, not 24.

⁴ This figure should be larger, because it does not include children from 18-24 months.

TABLE A-6: WORK AND COMMUNITY BASED DAY NURSERIES

Work Related

Yes 8 (2 hospitals, 6 educational institutions)

No 45

53

Formal association with a place of work.

REFERENCES

Association for Early Childhood Education, Hamilton Branch (1978):
Submission to Planning Sub-Committee on Residential Care Facilities,
Hamilton

Bureau of Municipal Research (1981): Work-Related Day Care - Helping to
Close the Gap, Toronto

Single Mothers Against Poverty (1983): A Survey of Single Mothers in
Hamilton, Hamilton

Social Planning and Research Council of Hamilton and District (1971):
Report of a Survey on the Need for Day Care for Children in Hamilton,
Hamilton

Social Planning and Research Council of Hamilton and District (1978): The
Utilization of Day Care Services in Hamilton-Wentworth, Hamilton

Social Planning Council of Metropolitan Toronto (1984): Measuring Day
Case Need: The Numbers Game, Toronto

Status of Women Canada (1985): Child Care Needs of Parents and Families
(Background Report 9, Task Force on Child Care), Ottawa

JD:nd/cs

W.P. Doc. 2953P

15.

F O R A C T I O N

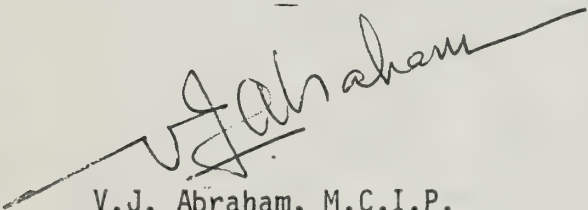
FROM	<u>Planning and Development Department</u>	DATE	<u>May 15, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	<u>P-7-3</u>
		Attention Of	<u>V.J. Abraham</u>

SUBJECT

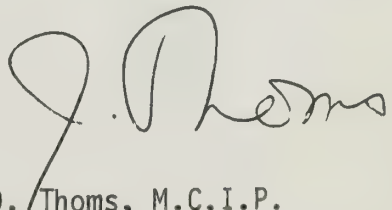
Proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre and designate lands for residential purposes in the Town of Ancaster.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the City does not object to the proposed amendment to the Hamilton-Wentworth Official Plan to relocate a proposed shopping centre and to designate lands for residential purposes in the Town of Ancaster.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The proposed amendment to the Hamilton-Wentworth Official Plan would permit the relocation of a proposed district shopping centre from a site at Mohawk Road and Highway 403 to a site approximately 800 metres to the east. The amendment would also change the designation of lands located approximately 400 metres from the Town of Ancaster and City of Hamilton boundary from "Industrial Business Parks" to "Residential and Related Uses".

BACKGROUND

The subject lands are within the area previously known as the "Allarco" lands. By order of the Ontario Municipal Board, a designation for a 23,000 square metre (250,000 square feet) district shopping centre exists at the corner of Mohawk Road and Highway 403. The applicants are proposing to relocate the shopping centre site approximately 800 metres to the east along Mohawk Road. (See attached map - Appendix 1.) In addition, they are proposing to redesignate lands located approximately 400 metres from the boundary of the City of Hamilton and the Town of Ancaster, south of Golf Links Road, to allow residential uses. These lands are currently designated "Industrial Business Park" in the Hamilton-Wentworth Official Plan.

ANALYSIS

The proposed district shopping centre will likely serve a portion of the "west mountain" area of Hamilton. However, given the fact that the necessary designations for the shopping centre already exist, the proposal to relocate it 800 metres to the east will not likely change its impact on the City of Hamilton.

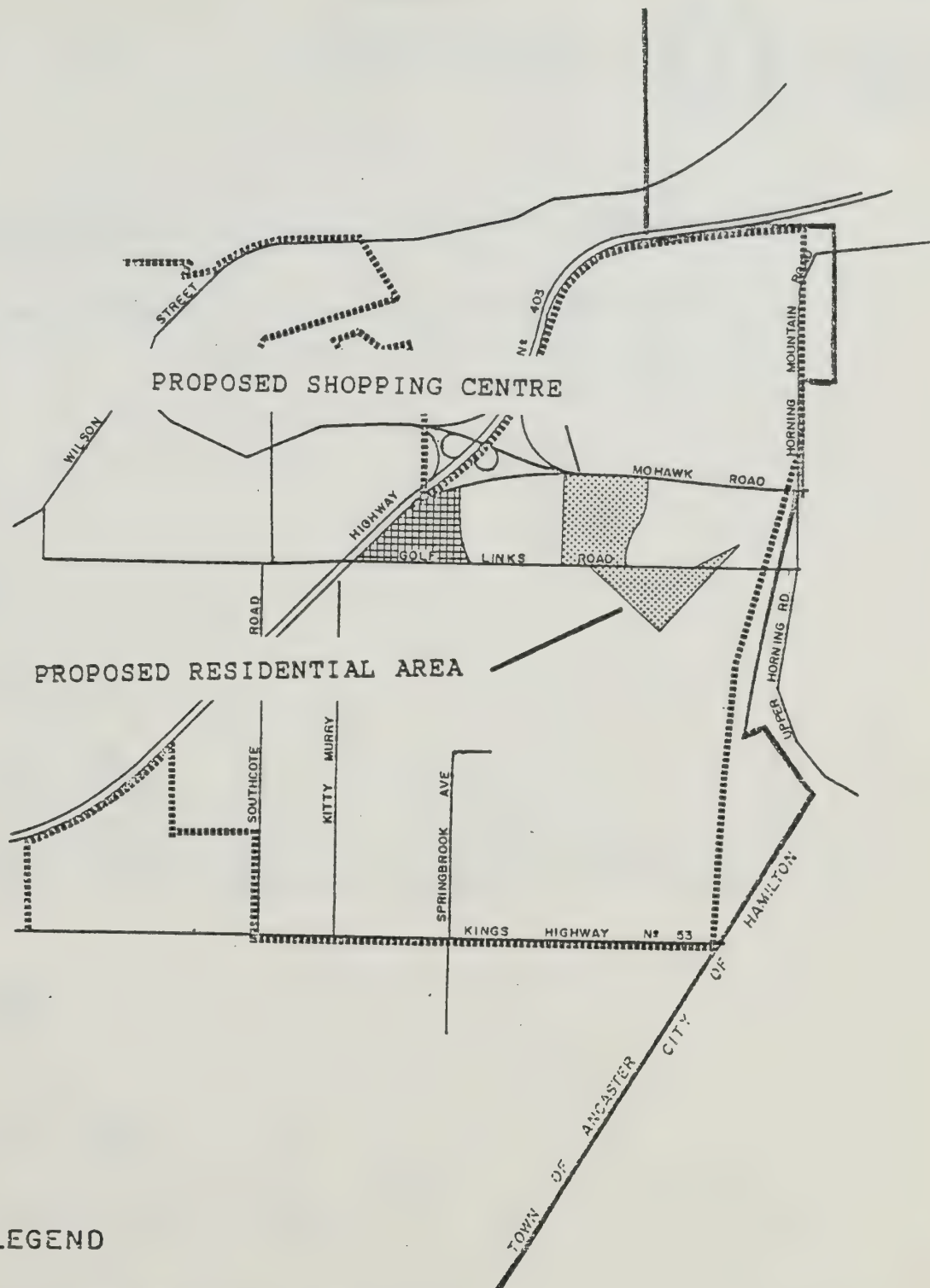
The proposal to redesignate lands from industrial to residential uses should not impact the City of Hamilton.

CONCLUSION



The proposed changes to the Hamilton-Wentworth Official Plan will not adversely affect the City of Hamilton.

DO/lm
W.P. DOC. NO. 0183P (13-14)

APPENDIX 1



LEGEND

- ANCASTER / HAMILTON CITY LIMITS
- - - - - ANCASTER URBAN AREA BOUNDARY
-  LANDS TO BE REDESIGNATED FROM RESIDENTIAL AND RELATED USES TO INDUSTRIAL
-  LANDS TO BE REDESIGNATED FROM INDUSTRIAL TO RESIDENTIAL AND RELATED USES.



MAY, PTUE & ASSOCIATES LIMITED
COMMUNITY PLANNING & DEVELOPMENT CONSULTANTS
334 LOCUST STREET, BURLINGTON, ONTARIO
L7S 1V5
416 632-4066

F O R A C T I O N

2a.
(i)-(v)

FROM P. Kuppe DATE 1987 May 20

TO J. Thompson Refer to File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Demolition


RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

BACKGROUND

1. 142 Britannia
2. 13 & 15 Ferrie St. East
3. 2774 King St. East
4. 1312 Upper James Street
5. 1316 Upper James Street

(0833g)




BUILDING DEPARTMENT

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	DATE: 1987 May 20	
						RECOMMENDATION	
1.	142 Britannia	S.F.D.	S.F.D.	25 X 100	"D"	It is recommended that the Committee approve demolition.	
2.	13 & 15 Ferrie St. East	Two Family Dwelling	Parking Lot (For Genesee Hotel at James N.)	54 X 120	"H/S-978"	It is recommended that the Committee approve demolition.	
3.	2774 King Street East	S.F.D.	Commercial Plaza	112 X 139	"G/S-955"	It is recommended that the Committee approve demolition. (SEE ATTACHED MEMO)	


 PETER C. LAMPMAN, P. ENG.,
 DIRECTOR OF PLAN EXAMINATION

PROPERTY INSPECTION REPORT

LOCATION OF PROPERTY: 2774 KING STREET EAST

OWNER: RYMAL DEVELOPMENT ADDRESS: 260 DUNSMURE AVENUE

TELEPHONE: _____

OCCUPANTS: VACANT

INTERIOR CONDITIONS: ALL HARDWOOD FLOORS ON ALL LEVELS ARE IN GOOD CONDITION.

THE WALLS THROUGHOUT THE HOUSE HAVE BROKEN PLASTER AND HOLES AND THE PARTITION
BETWEEN THE BEDROOM AND BATHROOM IS PARTIALLY DEMOLISHED. INTERIOR STEPS AND LANDING
SHOULD BE REPLACED. HOUSE IS LITTERED WITH DEBRIS. BASEBOARDS AND DOOR TRIMS
ARE DAMAGED. THE ATTIC AND ROOF JOISTS ARE STILL IN GOOD CONDITION.

EXTERIOR CONDITIONS: EXTERIOR WALLS AND FOUNDATION SHOW NO SIGN OF CRACKING
OR DAMAGE. FRONT AND SIDE PORCH SHOULD BE REPLACED. ROOF IS IN GOOD CONDITION.
WINDOWS ARE EITHER BROKEN OR MISSING.

GENERAL COMMENTS: THE OVERALL CONDITION OF THE HOUSE HAS GONE FROM GOOD TO POOR.
THERE IS A LOT OF INTERIOR DAMAGE DUE TO TRESPASS. IT IS RECOMMENDED THAT THE
COMMITTEE APPROVE DEMOLITION.

INSPECTED BY: *Ronald J. Smith*

DATE: 1987 MAY 20



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

Date: 1987 May 20

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION APPLICATION

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED
BUT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL
PROPERTY.

Map: W9C
Zone: "C"
Lot Size: 72 X 275

ADDRESS: 1312 Upper James


PRESENT USE: S.F.D.

PROPOSED USE: Vacant

OWNER: Johnston Motors, 1350 Upper James Street

COMMENTS:

RECOMMENDATION: It is recommended that the Committee approve
demolition.


PETER C. LAMPMAN, P.Eng.
Director of Plan Examination

for PAUL KUPPE, P.Eng.
Building Commissioner

RD/ggf
(0833g)

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



Urban Municipal Librarian
Central Library

THE CORPORATION OF THE CITY OF HAMILTON

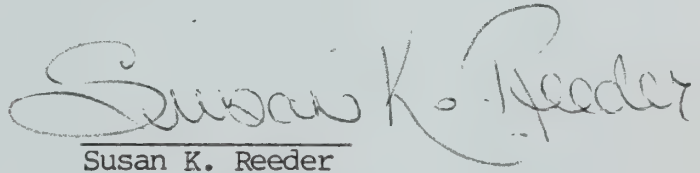
OFFICE OF THE CITY CLERK

CA4 ONHBL AOS
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1987

1987 June 4

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 June 10
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

A. Delegation - Mark Durward re: Guildwood Drive - Grading

(i) Report from the Department of Engineering

1. Minutes of the meeting held Wednesday, 1987 May 27. (copy to follow)

2. Mayor R. Morrow

(a) Written Submissions on Planning Issues (no copy)

3. Building Commissioner

(a) City of Hamilton By-law 74-290, Demolition Control, passed under the Authority of The Planning Act.

(b) Demolition Permits:

- (i) 154 Burlington Street East
- (ii) 31 Rymal Road East
- (iii) 1576 Upper James
- (iv) 2804 King Street East
- (v) 8 Auchmar Road

4. Director of Community Development

- (a) Downtown Promenade Business Improvement Area (B.I.A.); Amendment to the Designating By-law.
- (b) Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.).
- (c) International Village Business Improvement Area (B.I.A.); Revised Board of Management.
- (d) Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.). (Private & Confidential) (For Information)
- (e) Corktown Stinson Ontario Neighbourhood Improvement Programme (O.N.I.P) Community Improvement Plan (C.I.P.)
 - (i) Notice of Public Meeting
- (f) Corktown Stinson Ontario Neighbourhood Improvement Programme (O.N.I.P.); Appointment of Consultant

5. City Treasurer

- (a) Release of Holdback

6. Director of Property

- (a) Rymal Developments (1986) purchase from the City - Part Lot 28, Concession 4, Saltfleet, being Part 1, Y-20594 - 62.9m² (677.07 square feet) "Nash Orchard Heights West" Plan of Subdivision.

7. L.A.C.A.C.

- (a) St. Clair Heritage District - Appointment of Member
- (b) Proposed Alterations to 712 Main Street East
- (c) Designation of the Carnegie Building, 55 Main Street West

8. City Solicitor

Butler et al vs. City/Architect's Fees re: Library Farmers' Market.

Public Meeting
3:00 o'clock p.m.

- 9. Zoning Application ZA-87-02, R. Lee, owner and prospective owner, for a change in zoning from "L-mr-2" to "H" for properties municipally known as Nos. 134, 136 and 140 Ferguson Avenue North; Beasley Neighbourhood.
Public Meeting - 3:00 p.m.

10. City Initiative CI-87-C, City of Hamilton, owner, for a modification to the "A" District regulations for property at No. 53 Lake Avenue North; Riverdale East Neighbourhood.
Public Meeting - 3:00 p.m.
11. Zoning Application ZA-87-38, Parkway Toyota Limited, owner, for a modification to the "L-mr-1" District regulations for lands at the rear of No. 191 Centennial Parkway North; Kentley Neighbourhood.
Public Meeting - 3:00 p.m.
12. Zoning Application ZA-87-40, D. R. Maas, prospective owner, for a change in zoning from "AA" to "DE-3" modified, for property at No. 390 Limeridge Road East; Bruleville Neighbourhood.
Public Meeting - 3:15 p.m.
13. Zoning Application ZA-87-42, J.A. Quick, owner, for a further modification to the "B-1" District regulations, for property at No. 505 Queenston Road; Kentley Neighbourhood.
Public Meeting - 3:15 p.m.
14. Subdivision Application SA-87-06 and Zoning Application ZA-87-15, Casablanca Properties Inc., owner, for a change in zoning from "Ip-n" and "JJ" to "C" for lands on the east side of Kenora Avenue, in the area north of Village Road; Kentley Neighbourhood.
Public Meeting - 3:15 p.m.
15. Zoning Application ZA-87-39, 570812 Ontario Limited (E. Klein) owner, for a further modification to the "HH" District regulations for property at No. 875 Upper Wentworth Street; Thorner Neighbourhood.
16. Zoning Application ZA-86-41, J. Ng., prospective owner, for a change in zoning from "AA" and "C" to "E" for property at No. 864 Upper Wentworth Street; Bruleville Neighbourhood.
17. Subdivision Application SA-87-07, E & E Rode, owner, to establish 69 lots for single-family dwellings at the north-easterly corner of Stone Church Road and Upper Wentworth Street; Rushdale Neighbourhood.
18. Subdivision Application SA-87-05, 660555 Ontario Limited, owner, to establish 74 lots for single-family dwellings west of Upper Gage Avenue, north of Rymal Road and south of Stone Church Road; Eleanor Neighbourhood.
19. Condominium Application SA-87-09, DiCenzo Construction Company, owner, to establish 150 townhouse units on the north side of Rymal Road and east and west of a proposed extension of Upper Gage Avenue; Broughton West Neighbourhood.

20. Site Plan Control Application Approval (For information)
21. Notice of Public Meeting - Durand Neighbourhood (For information)
22. Other Business
23. Adjournment

*Subdivision
agreement*

for
*Make sure he gets
notification*

A.

GRADING

Mark Durward
4 Goldwin Street
Hamilton, Ontario
L9C 6V9
Phone: 522-7442 (work)
383-2092 (home)

May 7, 1987

Gurnland Development Inc.
c/o Milligan, Cass
Barristers & Solicitors
720 Guelph Line
Suite 303
Burlington, Ontario
L7R 4E2

COPY FOR YOUR REFERENCE

Dear Sirs:

Re: The construction of Homes
on Guildwood Drive, Hamilton
Registered Plan 62M-492

We are writing to you because our search of title has revealed that you are the developer of the above captioned property and we are the owners of the properties which back onto the lots you are developing.

We are all extremely concerned about the manner in which construction has been proceeding behind us. It appears to us as though the land which you are developing has not been properly graded prior to construction beginning. As a result, we are all very concerned that water draining from the properties within your subdivision will flood our backyards. In addition, we are concerned about the lack of privacy which we will experience if the houses built on your subdivision are too high in comparison to ours.

We understand that, as a condition of developing this property, you submitted a Grading Plan to the Regional Municipality of Hamilton-Wentworth. We cannot believe that the Region would accept a Grading Plan which would permit the homes in your subdivision to be built as high as they are being built right now.

We are sending copies of this correspondence to all of the individuals and departments listed below because, in one way or another, you, as well as all of them, appear to be responsible for the manner in which the development behind us has been proceeding. We are writing to put all of you on notice that we will hold all of you responsible for any damage, or lack of enjoyment, which we suffer as a result of the homes behind us being constructed at excessive elevations.

To all of the municipal officials who will receive copies of this letter, we hold you responsible because you should have been and should continue to be concerned about our welfare as adjoining land owners, through the planning stages and now during the construction stage, and you should be taking steps to insure that we suffer no further damage or inconvenience.

To the owners of land in the new development, we hold you responsible because you should be taking steps to insure that you build according to the approved Grading Plans and with due consideration for our future welfare.

To Sidney W. Woods and Gurnland Developments, we hold you responsible because you designed and submitted the Grading Plan and should be taking steps to insure that the builders follow the plans.

We urge all of you to take the time, now, to evaluate what is occurring behind us and to take whatever measures are necessary to mitigate the damage already done and to prevent any further damage from occurring.

Name:	Address:	Lot Number on Plan M210:
JAN McLARTY <i>Jan McLarty</i>	12 GOLDWIN ST	
<i>Scott McLarty</i>	12 GOLDWIN ST	# 95
SCOTT McLARTY		A 95
<i>TRUDY JACK</i> <i>Trudy Jack</i>	16 goldwin St.	# 94
<i>W JACK</i> <i>W. Jack</i>	16 goldwin St.	A 94
<i>Samuel</i> <i>Samuel</i>	8 Goldwin St	
<i>Samuel</i>	8 GOLDWIN ST.	# 96
PAUL LAURA SAMMARTIN TONY OLIVEIRA	5 GOLDWIN CRT	4990
<i>Govrit</i>		

Name:	Address:	Lot Number on Plan M210:
Hazel Fough	19 Goldwin Court	# 102
Don Fough	19 Goldwin Court	# 101
W. Berkmeyer	17 Goldwin Court	# 103
WILHELM BERKMEYER		
Willie Kappheim	23 Goldwin Ct.	# 103
John Kappheim	23 Goldwin Ct.	# 103
Fernando Roca	27 Goldwin Ct.	# 104
Lina Roca	27 Goldwin Ct.	# 104
WILLIAM STICKY	1 GOLDWIN CT	# 98
W. St. John	1 Goldwin Ct	# 97
W. St. John	4 Goldwin St.	# 97
Gregory Boundris	9 Goldwin Ct.	# 100
Madeline Boundris	9 Goldwin Ct.	# 100

/mb

cc --

1. Koloman Mes and Christina Mes,
Owners of Lot 13
2. Mr. T.R.G. Leach,
Commissioner of Engineering
Phone: 526-4170
3. Mr. Frank Rysanek,
Regional Engineering Department
Phone: 526-4142
4. Mr. E.C. Matthews,
City Treasurer
5. Mr. Paul Kuppe,
Commissioner of Buildings, Building Department
Phone: 526-2720
6. Mariangela Mulas,
Owner of Lot 15
7. Sidney W. Woods,
Ontario Land Surveyor
Phone: 522-3511
8. Office of the Mayor,
City Hall, Hamilton
Phone: 526-2700
9. Alderman Tom Murray
Phone: 387-9243 (Home)
526-2730 (Office)
10. Alderman Don Ross
Phone: 387-1842 (Home)
526-2730 (Office)
11. Mr. Brian D. Allick
Director of Inspectors, Department of Buildings
City of Hamilton
Phone: 526-4652
12. Mr. H. Gaasenbeek, "
Director of Development,
Planning and Developments Committee
Phone: 526-4275
13. Mr. Victor Abraham,
Director of Local Planning Division
Phone: 526-4221
14. Mr. Jim Thoms
Commissioner of Planning and Development
Phone: 526-4101

F O R I N F O R M A T I O N

FROM Department of Engineering DATE June 3, 1987
TO Planning and Development Committee Refer to File No. S707-49
Attention Of K.A. Brenner
Your File No. _____

SUBJECT

Lot grading - Gurnett Estates Phase 3 - Houses on the west side of Guildwood Drive.

BACKGROUND

On May 19, 1987, we received a copy of a letter, signed by several residents of Goldwin Court and Goldwin Street; the letter was addressed to Gurnland Development Inc., the subdivider of Gurnett Estates, Phase 3, and was dated May 7, 1987.

The letter's main concerns were:

- 1) The subdivision was not properly graded prior to construction.
- 2) Water run-off from the subdivision will flood the backyards of the houses facing Goldwin Court and Goldwin Street.
- 3) The new houses are too high in comparison with the existing houses facing Goldwin Court and Goldwin Street, which may result in a lack of privacy experienced by the residents.
- 4) The developers are not following the approved grading plan.

We have investigated these concerns and noted that:

- 1) According to the Subdivision Agreement between the City and Gurnland Development Inc., which governs this subdivision, the subdivider is not obligated to pre-grade the lands to be developed.
- 2) According to our records, there was, prior to construction, a hill in the location occupied now by Guildwood Drive. The peak of the hill was above elevation 231.65 m. The highest portion of Guildwood Drive has an elevation of only 230.63. This means that the road is at least one metre lower than the original ground. As the drainage from the front yards of the new houses will be directed toward the municipal sewers on Guildwood Drive, the total run-off from the subdivision directed to the existing properties facing Goldwin Court and Goldwin Street, will be considerably decreased.

Continued ...

4 page 2 -
June 3, 1987

LOT GRADING - GURNETT ESTATES PHASE 3 - HOUSES ON
THE WEST SIDE OF GUILDWOOD DRIVE

Continued ...

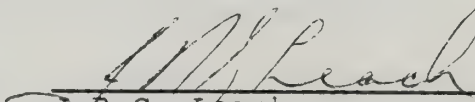
Furthermore, the topographical map prepared prior to the construction, shows a sizeable water course, traversing these lands and emptying into a ditch inlet, located on No. 19 Goldwin Street. This water course has now been intercepted by another ditch inlet, located south of the subdivision. This will further reduce the run-off from the new subdivision.

3) The height of the new houses is governed by the elevation of Guildwood Drive, which is lower than the original ground. The privacy problem lies outside our jurisdiction.

4) The subdividers may not, at present, be grading the subdivision according to the approved grading plan. However, they are required to grade these lands in compliance with the approved grading plan prior to expiry of the six month time period following the completion of finished roads in the subdivision. Unfortunately, the City has no means of speeding up this process.

There is a possibility that the subdividers may be considering installation of retaining walls on their lands adjacent to the back yards of the Goldwin Court properties, particularly on lots 4,5,6,7 & 8 Gurnett Estates, Phase 3. Such retaining walls must first be approved by this Department, prior to the expiry of the above noted six month period.

It is our opinion that the concerns expressed by the Goldwin Court and Goldwin Street are premature or deal with matters not controlled by the City. We recommend that this report be received for your information.



J.R.G. Leach
Commissioner of Engineering

 FAR:tlj

3a.

F O R A C T I O N

FROM Mr. Paul Kuppe, Building Commissioner DATE June 4, 1987
TO Planning & Development Committee Refer To File No. 87.1.1.A.
Attention Of Brian D. Allick
Your File No. _____

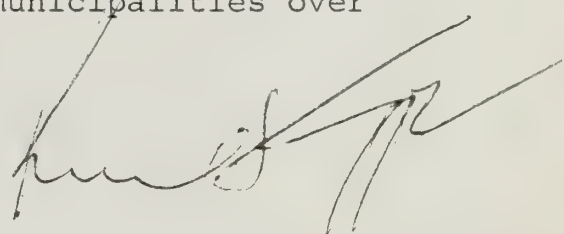
SUBJECT

City of Hamilton By-law 74-290, Demolition Control, passed under the authority of The Planning Act.

RECOMMENDATION

That the City Clerk be authorized and directed to petition the Ontario Government on behalf of City Council, to amend Section 33 of The Planning Act to ensure that no person shall demolish or cause to be demolished any residential building or part thereof unless he is the holder of a permit issued by Council under this section.

And furthermore, that the City Clerk inform the Association of Municipalities of Ontario (A.M.O.) and all municipalities over 100,000 in population.



BACKGROUND

We have recently been experiencing difficulty in gaining convictions through the Provincial Offences Court, in the enforcement of the Demolition Control By-law.

Section 33(2) of The Planning Act reads in part:

"and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control, unless he is the holder of a demolition permit issued by the Council under this section."

This is being interpreted by the courts to mean that only the person who physically demolishes the building can be charged. Because of this determination, we have had two cases dismissed by the Justice of the Peace.

The problems arise that in the course of our inspection, it is very seldom that we see the actual demolition taking place and thus we are unable to determine the "person" as referenced in Section 33(2) of The Planning Act. The Building Code is clearer, in that it states that no person shall demolish or cause to be demolished.

We would further advise that an application for a demolition permit for 202 Glow Avenue was tabled at your meeting of April 1st, 1987. We are in the process of enforcing the Demolition Control By-law in this situation, as we were fortunate enough to observe the owner in the process of physically demolishing the building when our Inspector arrived on site. We feel, because of these facts, that our prosecution in this instance will be successful.

The Committee tabled a demolition permit application for 53 Beach Road. Because of the foregoing, we are going to commence enforcement procedures under Section 5(1) of The Building Code Act.

We feel that an amendment to Section 33(2) of The Planning Act by adding the words:

"or cause to be demolished",

right after the word demolish in the 8th line, would eliminate our existing difficulty.

3b (i)(ii)

SUBJECT

RECOMMENDATION

7
Kunst

Efforts have been made to enforce the Demolition Control By-Law 74-290. However, Her Worship C. Straughan, has ruled that only the person who actually does the demolition can be charged. In these situations, we were unable to determine the person who actually carried out the demolition. The problem arises that in the course of our inspections, it is very seldom that we see the actual demolition taking place and thus we are unable to determine the "person" as referenced in The Planning Act.

APR 1 1987

F O R A C T I O N

3b (iii)
(iv)

FROM P. Kuppe DATE 1987 June 3

TO J. Thompson Refer to File No. _____

Attention Of _____

Your File No. _____

SUBJECT

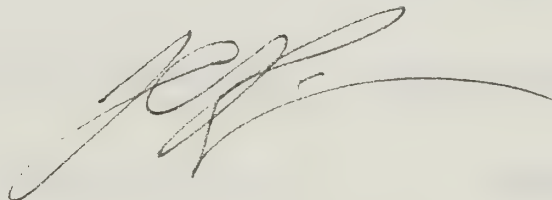
Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

BACKGROUND

1. 1576 Upper James
2. 2804 King Street East





THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

Date: 1987 June 3

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION APPLICATION

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED
BUT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL
PROPERTY.

Map: W9D
Zone: "C"
Lot Size: 147 X 150

ADDRESS: 1576 Upper James

PRESENT USE: S.F.D.

PROPOSED USE: Vacant (Future shopping centre)

OWNER: Rosart Properties

COMMENTS: Owner has made application to rezone the property.

RECOMMENDATION: It is recommended that the Committee approve
demolition.

PETER C. LAMPMAN, P.Eng.
Director of Plan Examination

for PAUL KUPPE, P.Eng.
Building Commissioner

B U I L D I N G D E P A R T M E N T

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: 1987 June 3

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	2804 King Street East	S.F.D.	Gas Station & Car Wash	65 X 310.960	'HH/S- 1007"	It is recommended that the Committee approve demolition.


PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION

3b(v)

F O R A C T I O N

FROM P. Kuppe DATE 1987 June 4

TO J. Thompson Refer to File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue a demolition permit for the demolition of a residential building as outlined below.

BACKGROUND

8 Auchmar Road

(0852g)

B U I L D I N G D E P A R T M E N T

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: 1987 June 4

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	8 Auchmar Road	S.F.D. (Vacant approx. 7 months)	S.F.D.	130' X 48'	"B"	It is recommended that the Committee approve demolition. The owner has received a Development Agreement from the Niagara Escarpment Commission.

PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION

JUN 2 1987

4a.

FOR ACTION

FROM E. W. Kowalski, Director
Community Development

DATE 1987 May 21

TO Planning and Development Committee

Refer To File No. 800-0014.2

Attention Of _____

Your File No. _____

SUBJECT

Downtown Promenade Business Improvement Area (B.I.A.);
Amendment to the Designating By-Law

RECOMMENDATION

- i) That, at the request of the Downtown Promenade Business Improvement Area (B.I.A.), attached as Schedule "A", the City Solicitor be directed to prepare an amending by-law to By-Law No. 82-151 to include those businesses in the block bounded by Main and King Streets, James and MacNab Streets, following the appropriate circularization procedures.
- ii) That, the City Solicitor be hereby authorized and directed to include a map (attached as Schedule "B") with the amending by-law.

E. Kowalski

BACKGROUND

The Downtown Promenade Business Improvement Area (B.I.A.) was designated by By-Law No. 82-151, 1982 June. Since 1982, the Downtown Promenade B.I.A. has been operating efficiently and effectively which is reflected in the desire of the merchants, in the block bounded by James and MacNab Streets and Main and King Streets to become members of the B.I.A.

The Downtown Promenade Business Improvement Area (B.I.A.) Board of Management invited the merchants to join them and, subsequently, requested the Department of Community Development to take the appropriate steps to have the boundaries extended to include the aforementioned, thus amending the designating by-law.

GORE PARK
DOWN TOWN
PROMENADE

14 May 1987

May 14/87
805-0014.2
805-02
ER
87/5/15
LSP

Ed Kowalski
Director - community development
City of Hamilton.

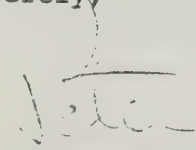
Dear Ed:

Further to my letter of January 12 may Board of Management, after a great deal of preparatory activity, is asking that you initiate the formal procedures to expand our membership to include those businesses on the block bounded by Main and King Streets, James and McNab.

As you are aware, Robinson's has elected to join the Downtown Hamilton BIA without waiting the formal application and will, subject to the pleasure of Council, be joining our Board later this month.

I have attached a list of the businesses on the block concerned and, as you are also aware, there has been personal contact with each. You may wish to have this compared with the city list (supplied to us on March 6) as I believe there are some differences.

Sincerely,


Francis Emmorey
Executive Director

Company & Address	Contact & Title	Phone #
Robinson/Ogilvy 18 James St. S.	Larry St. Denis Manager	527-0211
Robinson/Ogilvy 1160 Blair Rd Burlington L7M 2A5	Bill Gibson Vice President Planning & Development	336-3130
Royal Bank 28 James St. S. L8N 3B8	Bruce Brown Manager	
Campell & Patterson Ltd 32 James St. S., #608 L8P 2Y1	Peter Allen Branch Manager	526-0922
Dr. Paul M. Christianson 32 James St. S., #614 L8P 2Y1		
D C Harrison & Associates 32 James St. S., #603 L8P 2Y1	Don Harrison President	527-1071
Hamilton Telex & Secretarial Ltd, 32 James St. S., #321	Jan Dockrell Communications Manager	522-9201
Hanscomb Consultants Inc. 32 James St. S., #601	Bill Huinink	525-5926
Hector M Chisholm & Co Ltd 32 James ST. S., #202	Robert Youngblood Branch Manager	525-3131
Kenton Brokers Ltd 32 James St. S., #221	Mr & Mrs John Worsell	522-4645
Ross & McBride P.O. Box 907	Wm. Charlton	526-9800
Morris & Son Ltd 32 James St. S., #201	James Morris	527-3831
Mortgage Centre Hamilton 32 James St. S., #616	Perry Gordon Fredrick	523-1881
QC Personnel Ltd 32 James St. S., #220	Mr. C. Bilcar	526-1465

Company & Address	Contact & Title	Phone #
Style Publications INC., 32 James ST. S., #317	Ian Watson	521-3060
Vance & Vance 32 James ST. S., #212	John Peter Vance	528-6346
Adam C. Zimmerman 32 James ST. S., #512		522-7020
PPM Communications Safety Solutions, 32 James St. S., #301	Debbie Harthun Manager	527-8866
CP Rail 32 James St. S., #	J. Huzyk, Director	
Quon & Associates Ltd 20 Hughson St. S., #602	Edward D. Quon, CA	525-9033
Simpson, Wagle, Simpson 120 King St. W. L8N 3A9	P. D. Milne	528-8411

F O R A C T I O N

4b.

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 June 02

TO Planning and Development Committee

Refer To File No. 800-0300
800-0016.3

Attention Of _____

Your File No. _____

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.).

RECOMMENDATION

That the attached twelve (12) O.H.R.P. applications and three (3) H.A.R.P. applications be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

BACKGROUND

With respect to the Hamilton Rehabilitation Programme, attached is a list of three (3) applicants whose applications are currently being processed for a loan pursuant to By-law 78-113.

For the information of the members of the Committee, the total number of applicants to date under the Hamilton Rehabilitation Programme is three hundred and fifteen (315).

With respect to the Ontario Home Renewal Programme, attached is a list of twelve (12) applicants whose applications are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applicants to date under the Ontario Home Renewal Programme is three thousand eight hundred and one (3,801).

Planning and Development
Committee

Ontario Home Renewal Programme

1. H. Armstrong
230 Bay Street South
2. E. Crimen
243 West 5th Street
3. R. DiCiacca
51 Wise Crescent
4. M. Gaverluk
392 Catherine Street North
5. J. Gailitis
12 Green Meadow Road
6. J. Jaskula
145 Beechwood Avenue
7. L. Dzienis
74 Toby Crescent
8. A. Bunting
11 Florence Street
9. C. Gillen
30 Nova Drive
10. M. Ryder
14 Locarno Avenue West
11. M. Labuda
596 Upper Ottawa Street
12. H. Hudecki
144 Balsam Avenue North

Hamilton Rehabilitation Programme

1. T. Brown
675 Cochrane Road
2. A. Hardy
44 West 22nd Street
3. J. Hinshalwood
164 Crosthwaite Avenue North

4c.

F O R A C T I O N

FROM E. W. Kowalski, Director
Community Development Department

DATE 1987 May 29

TO Planning & Development Committee

Refer To File No. 800-0014.06

Attention Of _____

Your File No. _____

SUBJECT

International Village Business Improvement Area (B.I.A.); Revised Board of Management.

RECOMMENDATION

i) That, By-law #81-47 appointing the International Village Business Improvement Area Board of Management be amended to delete the following names: Mr. F.H. Jones, Mr. G. Zack, Mr. R. Denninger, Mr. M. Wasserman, Mr. S. Adler.

And, add the following names: Mr. G. Thompson, Mrs. M. Galante, Ms. J. O'Brien, Mr. F. Lauinger, Mr. B. Elliot.

ii) That, the City Solicitor be authorized and directed to amend By-law #81-47 pursuant to (i) above.

E. Kowalski

BACKGROUND

As stated in Section 217, Sub-section 6 and 8 of the Municipal Act:

(6) "A Board of Management....is a body corporate and shall consist of such a number of members appointed by Council."

(8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

The Board of Management is attached.

INTERNATIONAL VILLAGE
BUSINESS IMPROVEMENT AREA

BOARD OF MANAGEMENT

CHAIRMAN: Gerd Thompson, G. W. Thompson Jewellers
191 King St. E., Hamilton 525-9448

Duties: to preside over all meetings and from time to time call general meetings and special meetings as the need arises.

Vice Chairman: Michele Galante, Modern Furs Ltd.
165 King St. E., Hamilton 527-3031

Duties: to exercise the duties of the Chairman in the Chairman's absence.

Secretary: Julie O'Brien, Bizarre Bazaar
167½ King St. E., Hamilton 527-8085

Duties: to record facts and minutes of all meetings and proceedings and give notices required to members, and to be the custodian of all books records, contracts and correspondence belonging to the Board of Management.

Treasurer: Frank Lauinger, the Audio Store
201 King St. E., Hamilton 522-4061

Duties: to receive and bank all monies due the B.I.A., keep full and accurate accounts of receipts and disbursements of the B. of M., to disburse funds by cheque whenever possible as approved by the Treasurer and one of the following: the Chairman, Vice Chairman or Secretary. To submit a monthly statement to the B. of M. and have available a financial report and audited statement.

OTHER VOTING MEMBERS:

Bill Elliot, The Money Mart
214 King St. E., Hamilton 521-0591

Gary Frydman, Gary's New York Men's Wear
209 King St. E., Hamilton 527-6537

4e.

F O R A C T I O N

FROM E. W. Kowalski, Director
Community Development

DATE 1987 June 2

TO Planning & Development Committee

Refer To File No. 800-0606

Attention Of _____

Your File No. _____

SUBJECT

Corktown Stinson Ontario Neighbourhood Improvement Programme
(O.N.I.P.) Community Improvement Plan (C.I.P.)

RECOMMENDATION

- i) That, the attached Community Improvement Plan for the Corktown Stinson Neighbourhood, attached hereto as Appendix 'A', be approved in order to implement the Ontario Neighbourhood Improvement Programme (O.N.I.P.); and,
 - ii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law; and
 - iii) That, the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan for the Corktown Stinson Neighbourhood for their approval.
 - iv) That, the Mayor and City Clerk be hereby authorized to sign and execute, on behalf of the City Corporation, the Provincial-Municipal Agreement pursuant to which the O.N.I.P. will be implemented in the Corktown Stinson Neighbourhood.
- E. Kowalski*

BACKGROUND

Since 1986 December, the Corktown Stinson Ontario Neighbourhood Improvement Programme Citizens' Advisory Committee, and in-house staff meetings have been held to draft the Community Improvement Plan for Corktown Stinson. The plan is necessary to implement the Corktown Stinson Ontario Neighbourhood Improvement Programme.

The Corktown Stinson Ontario Neighbourhood Improvement Programme is provided for in the 1986-1990 Capital Budget as project number D37004 at the gross cost of \$900,000.

APPENDIX 'A'

CORKTOWN STINSON (O.N.I.P.)
ONTARIO NEIGHBOURHOOD IMPROVEMENT PROGRAM
COMMUNITY IMPROVEMENT PLAN

DEPARTMENT OF COMMUNITY DEVELOPMENT

THE DEPARTMENT OF COMMUNITY DEVELOPMENT
CORKTOWN STINSON COMMUNITY IMPROVEMENT PLAN

NEIGHBOURHOOD PROFILE

THE CORKTOWN STINSON NEIGHBOURHOOD IS AN AREA OF APPROXIMATELY 180 HECTARES (445 ACRES) WITH A TOTAL POPULATION OF 10,577 (1985 LAND USE CHARACTERISTICS). ITS BOUNDARIES ARE ON THE NORTH BY MAIN STREET EAST; ON THE EAST BY WENTWORTH STREET; ON THE SOUTH BY THE BASE OF THE ESCARPMENT; AND, ON THE WEST OF JOHN STREET. THE CORKTOWN STINSON NEIGHBOURHOOD ABUTTS THE DOWNTOWN CORE REDEVELOPMENT AREA OF THE CITY OF HAMILTON, BY-LAW #83-242. (ATTACHED)

THE NEIGHBOURHOOD CONTAINS A NUMBER OF AREAS OF DIFFERENT LAND USES, INCLUDING LIGHT INDUSTRIAL, COMMERCIAL, RESIDENTIAL AND PARK LAND.

HOUSING, TOO, IS MIXED WITH SINGLE FAMILY HOMES, MULTI-UNIT HOUSES, LOW AND HIGH RISE DWELLINGS. MOST HOMES HAVE ON-STREET PARKING, THUS THIS IS AN AREA OF CONCERN TO THE RESIDENTS. THE HOUSES WERE DEVELOPED STARTING AFTER 1920 AND STILL REMAIN STRUCTURALLY SOUND BUT MECHANICAL SYSTEMS ARE IN NEED OF REPAIR.

COMMERCIAL USES ARE SITUATED ON JOHN STREET AND MAIN STREET, WHICH ARE ARTERIAL ROADS AS IS VICTORIA, WELLINGTON AND WENTWORTH STREETS. THERE ARE OTHER SMALLER COMMERCIAL AREAS LOCATED ON AUGUSTA, HUNTER, JACKSON AND YOUNG STREETS. FERGUSON AVENUE HOUSES SOME LIGHT INDUSTRIAL BUSINESS.

THERE ARE TWO SCHOOLS IN THE NEIGHBOURHOOD. QUEEN VICTORIA SCHOOL AND STINSON SCHOOL, BOTH PUBLIC ELEMENTARY, HAVE DECREASED ENROLLMENT OVER THE PAST YEARS. A MIXTURE OF SOCIAL, RECREATIONAL AND EDUCATIONAL PROGRAMS HAVE BEEN DEVELOPED WITH PARTICIPATION FROM PARENTS, THE KIWANIS CLUB

AND COMMUNITY VOLUNTEERS. BOTH SCHOOLS HAVE POTENTIAL FOR DEVELOPMENT SINCE LITTLE IS PROVIDED ON THE OPEN SCHOOL GROUNDS.

PARKLAND IS AVAILABLE IN THE AREA BUT IS IN NEED OF DEVELOPMENT, AS IS CARTER PARK (PRIORITY ONE PARK), WOLVERTON PLAYGROUND, CORKTOWN PARK (PRIORITY ONE PARK) AND HUNTER STREET PARKETTE. THERE ARE GENERALLY NO CONSTRUCTED AREAS FOR ACTIVE OR PASSIVE OUTDOOR RECREATION SUCH AS BASEBALL, FOOTBALL, TENNIS, SKATING, OR PICNIC, GRASSY AREAS WITH BENCHES. CENTRAL MEMORIAL CENTRE, LOCATED ACROSS FROM CARTER PARK ON STINSON STREET WOULD REQUIRE COMPLETE RENEWAL OF THE FACILITY.

THE CORKTOWN STINSON NEIGHBOURHOOD IS A VARIED RESIDENTIAL AREA IN NEED OF UPGRADING FOR ITS SOCIAL AND RECREATIONAL FACILITIES.

THE REDEVELOPMENT PLAN

THE PROVISION OF NEIGHBOURHOOD SERVICES IS ESSENTIAL TO THE WELL-BEING OF RESIDENTS OF THE AREA AND SURROUNDING COMMUNITIES. THESE SERVICES INCLUDE PARKS, RECREATIONAL PROGRAMS AND SCHOOLS.

PARKLAND PROVIDES OPPORTUNITY FOR BOTH SPONTANEOUS AND PROGRAMMED FORMS OF RECREATION FOR ALL AGE GROUPS. IT IS DESIRABLE TO PROVIDE PARKLAND WITHIN WALKING DISTANCE OF ALL RESIDENTS.

INSTITUTIONAL USES SERVE AS FOCAL POINTS FOR COMMUNITY PARTICIPATION IN A NEIGHBOURHOOD.

COMMUNITY IMPROVEMENT PLAN:

- A) GOAL
- B) OBJECTIVES
- C) ACTIONS TO ACHIEVE OBJECTIVES

GOAL I

A HIGH QUALITY OF NEIGHBOURHOOD SERVICES SUCH AS PARKS, RECREATIONAL PROGRAMS AND SCHOOLS SHOULD BE PROVIDED FOR THE AREA RESIDENTS IN THE FUTURE.

OBJECTIVE 1

TO INCREASE THE AMOUNT OF NEIGHBOURHOOD ORIENTED RECREATIONAL FACILITIES.

ACTION

1. CARTER PARK WILL BE REDEVELOPED WITH CONSIDERATION GIVEN TO PROVIDING RECREATIONAL ITEMS, LANDSCAPING, STORAGE FACILITIES AND LIGHTING.
2. CORKTOWN PARK WILL BE DEVELOPED AS OPEN SPACE WHICH WILL PERMIT SOME FORMS OF RECREATIONAL DEVELOPMENT, I.E. PLAY AREA, SITTING AREA, AND GREEN SPACE WITH LIGHTING AS WELL AS SIGNAGE FOR THE PARK.
3. OPEN SPACE NEAR RAILWAY LINES BETWEEN FERGUSON AND WALNUT STREETS WILL BE DEVELOPED AS OPEN SPACE (I.E. PATHWAY, BIKEWAY, SITTING AREA, LIGHTING, LANDSCAPING) AND AS A CREATIVE PLAY AREA FOR CHILDREN, I.E. IN CORNER.
4. HUNTER STREET PARKETTE WILL BE DEVELOPED WITH LANDSCAPING, BENCHES, PICNIC AREA, SHADING, PLAY STRUCTURE, FENCING TO DIVIDE THE ALLEY FROM THE PARK AND SIGNAGE.

5. PLAYGROUNDS AND LANDSCAPING WILL BE PROVIDED AT STINSON AND QUEEN VICTORIA SCHOOLS.
6. WOLVERTON PARK WILL BE REDEVELOPED TO INCLUDE LANDSCAPING, BENCHES, PICNIC TABLES, A RAMP ACCESS, TODDLER PLAY AREA, SIGNAGE, AND COSMETIC IMPROVEMENTS TO THE HUT.
7. CENTRAL MEMORIAL RECREATION CENTRE WILL BE IMPROVED TO INCLUDE UPGRADING OF EXTERIOR SIGNAGE, APPEARANCE AND POSSIBLE EXTENSION OF FACILITIES, I.E. TENNIS.

OBJECTIVE 2

PATHWAYS AND PASSIVE AREAS WILL BE ESTABLISHED TO PROVIDE ATTRACTIVE AND CONVENIENT AREAS FOR WALKING AND SITTING.

ACTION

1. OPEN SPACE NEAR THE RAILWAY LINES BETWEEN FERGUSON AVENUE AND WALNUT STREETS WILL BE DEVELOPED WITH A LIT PATHWAY TO SERVE AS A LINK BETWEEN THE TWO STREETS.
2. IN ADDITION TO THE PATHWAY, A SITTING AREA, FLOWER BEDS AND OTHER "PASSIVE" RECREATIONAL FACILITIES MAY BE ESTABLISHED.

GOAL II

ROADS AND SIDEWALKS SHOULD PROVIDE READY, SAFE VEHICULAR AND PEDESTRIAN ACCESS THROUGHOUT THE NEIGHBOURHOOD.

OBJECTIVE 1

PROVIDE A SOLUTION TO THE TRAFFIC PROBLEM IN THE NEIGHBOURHOOD.

ACTION

1. RECOMMEND THAT THE TRAFFIC SITUATION BE REVIEWED AND SOLUTIONS BE IMPLEMENTED AS IDENTIFIED.

OBJECTIVE 2

IMPROVE HARD SERVICES IN THE AREA SO THAT THEY REFLECT AT LEAST THE MINIMUM STANDARD OF APPEARANCES AND REPAIR.

ACTION

1. WORK IN CO-ORDINATION WITH THE REGIONAL ENGINEERING DEPARTMENT, THE CITY AND DEPARTMENT OF COMMUNITY DEVELOPMENT TO IMPROVE THOSE SERVICES PRESENTLY LACKING IN THE AREA INCLUDING ROADS, SIDEWALKS, ETC.
2. LIGHTING OF UNDERPASSES, PATHWAYS AND AREAS NEAR THE RAILWAY LINES WILL BE IMPROVED TO PROVIDE PEDESTRIAN SAFETY.

OBJECTIVE 3

ENHANCE THE SAFETY OF SIDEWALKS.

ACTION

1. THAT THE DEPARTMENT OF PUBLIC WORKS ACTIVELY ENFORCE THE (SNOW REMOVAL) STREETS BY-LAW (9329)

GOAL III

BUILDINGS AND PROPERTY SHOULD REFLECT A COMPLIANCE WITH LOCAL MAINTENANCE AND OCCUPANCY STANDARDS.

OBJECTIVE 1

ENHANCE THE PHYSICAL APPEARANCE, STRUCTURAL SOUNDNESS AND SAFETY OF ALL PROPERTY IN THE NEIGHBOURHOOD.

ACTION

1. THAT THE CITY OF HAMILTON ACTIVELY ENFORCE THE PROPERTY STANDARDS BY-LAW (74-74), FOR ALL PROPERTIES IN THE AREA AND THIS ENFORCEMENT BE TEMPERED WITH ENCOURAGEMENT, ADVICE AND ASSISTANCE.

2. THAT THE DEPARTMENT OF COMMUNITY DEVELOPMENT PROVIDE INFORMATION REGARDING ITS REHABILITATION PROGRAMS AND CARRY OUT THE IMPLEMENTATION OF SUCH.
3. THAT SELECTED RESIDENTIAL DWELLINGS WHICH ARE DEEMED TO BE BEYOND A REASONABLE LEVEL OF ECONOMIC REHABILITATION IN CONSIDERATION OF THE CITY OF HAMILTON'S PROPERTY STANDARDS BY-LAW (74-74), BE CONSIDERED FOR PURCHASE UNDER THE PROVISIONS OF THE LEGISLATION GOVERNING THE O.N.I.P. ANY SUCH PROPERTIES WILL BE CLEARED FOR OPEN SPACE, PARKLAND, PARKING, WITHIN THE DESIGNATED O.N.I.P.

OBJECTIVE 3

REDUCE THE AMOUNT OF CRIME AND VANDALISM IN THE CORKTOWN STINSON NEIGHBOURHOOD.

ACTION

1. WORK WITH THE RELEVANT AGENCIES AND DEPARTMENTS TO ENSURE ALL AVAILABLE PROGRAMS ARE UTILIZED TO DECREASE THE DEGREE OF CRIME AND VANDALISM IN THE AREA.

GOAL IV

TO ENSURE THE CONTINUED RESIDENTIAL VIABILITY OF THE NEIGHBOURHOOD AND ITS PHILOSOPHY.

OBJECTIVE 1

THAT THE CORKTOWN STINSON O.N.I.P. CITIZEN'S ADVISORY COMMITTEE CONTINUE TO WORK TOGETHER AS A COLLECTIVE REPRESENTATIVE OF THE AREA, NOW AND ONCE THE O.N.I.P. HAS BEEN COMPLETED.

ACTION

1. DEVELOP A PHILOSOPHY FOR THE NEIGHBOURHOOD.
2. HOLD REGULAR MONTHLY MEETINGS, BI-MONTHLY MEETINGS IF DEEMED AS NECESSARY.

- FJ
3. WORK TOGETHER AS A REPRESENTATIVE BODY TO DEAL WITH POSSIBLE FUTURE CONCERNS OF THE NEIGHBOURHOOD.
 4. ACT ON BEHALF OF THE AREA IN ITS DEALINGS WITH THE CITY OF HAMILTON, HAMILTON-WENTWORTH REGION OR ANY OTHER ORGANIZATIONS.
 5. FORM AN ASSOCIATION FOR THE NEIGHBOURHOOD.

OBJECTIVE 2

DEVELOP A PLAN FOR THE CORKTOWN STINSON AREA.

ACTION

1. REQUEST THE PLANNING AND DEVELOPMENT COMMITTEE TO ASSIGN THE CORKTOWN STINSON AREA AS THE NEXT NEIGHBOURHOOD STUDY AREA AND THAT THE PLANNING AND DEVELOPMENT DEPARTMENT BE DIRECTED TO DEVELOP A PLAN FOR CORKTOWN STINSON.

4e(i

FF

NOTICE OF PUBLIC MEETING

SUBJECT: CORKTOWN STINSON ONTARIO NEIGHBOURHOOD
IMPROVEMENT PROGRAMME; COMMUNITY
IMPROVEMENT PLAN

DATE: 1987 JULY 6

TIME: 7:30 P.M.

PLACE: CITY HALL, 2ND FLOOR LOBBY

The Planning and Development Committee will be holding a public meeting to receive comments from the residents and business people concerning the Corktown Stinson Community Improvement Plan written for the purpose of implementing the Ontario Neighbourhood Improvement Programme. Generally, the area affected covers John to Wentworth Streets and Main Street at the escarpment.

For further information contact the Department of Community Development at 526-4540.

Cr

FOR ACTION

JUN 4 1987

48.

E. W. Kowalski, Director, Community Development
J. Pavelka, Director, Public Works

FROM

DATE

1987 June 03

TO Planning and Development Committee

Refer To File No. 800-0606

Attention Of

Your File No.

SUBJECT

Corktown Stinson Ontario Neighbourhood Improvement Programme
(O.N.I.P.); Appointment of Consultant.

RECOMMENDATION

- (i) That, Frank Basciano Landscape Architects Ltd., be appointed for the consultation design, preparation of working drawings and specification ready for construction tender and construction supervision of the Corktown Stinson O.N.I.P. at an upset fee of \$70,000.00.
and,
- (ii) That, the City Solicitor be authorized and directed to prepare the necessary agreement between the City and Frank Basciano Landscape Architects; and,
- (iii) That, the Mayor and City Clerk be authorized to execute the agreement referenced in (ii) above.

E. W. Kowalski

J. Pavelka

BACKGROUND

The firm of Frank Basciano Landscape Architects Ltd. has gained a great amount of background and expertise through his involvement with Phases I, II and III of the Downtown Action Plan, as well as the Priority One Park Pipeline for the Homeside O.N.I.P. Accordingly, Frank Basciano Landscape Architects Ltd. are completely familiar with the requirements of the City in the development of City parks.

A requirement of this programme is that \$300,000. be spent during the 1987-1988 Provincial fiscal year. Therefore it is essential that a competent landscaping firm, familiar with the City's procedures be appointed immediately so that construction can proceed this Fall.

For the previous reasons, it would be in the best interests of the City of Hamilton to retain Frank Basciano Landscape Architects Ltd. for the Corktown Stinson O.N.I.P. developments.

THE CORPORATION OF THE CITY OF HAMILTON

JUN 1 1987

5a

FROM Mr. E. C. Matthews, Treasurer DATE 1987 June 01
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning & Development ☒
Committee

SUBJECT

Release of Holdback.

RECOMMENDATION

That total holdback in the amount of \$103,630.36 be released to Delmar Contracting Ltd. for the Substantial Performance of the contract for the Downtown Action Plan Streetscape Phase II pending receipt by the Treasury Dept. of the necessary release forms from the Contractor and City Solicitors' Dept.

for J. R. Hammel
E. C. Matthews, Treasurer

BACKGROUND

This contract, P.O. 19070, was approved by a Special Meeting of City Council on July 16, 1985 for \$1,061,102.00. The contract was Substantially Performed on March 6, 1987 for \$1,036,303.43 as certified by Mr. F. Basciano, Project Consultant. There is an amount of \$21,459.76 being retained as finishing work and to cover deficiencies bringing the total project cost to \$1,057,763.19. The 45 day lien period following Substantial Performance has expired and I am recommending release of all holdback as soon as the necessary release forms are forwarded from the Contractor and City Solicitor.



6a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W. Vyce, Director of Property DATE 1987 May 26
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No (4506)38.1.217

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Rymal Developments (1986) purchase from the City - Part Lot 28, Concession 4, Saltfleet, being Part 1, Y-20594 - 62.9m² (677.07 square feet) "Nash Orchard Heights West" Plan of Subdivision

RECOMMENDATION

That the Offer from Mel Lawson Enterprises Ltd., Henry H. Young Construction Limited, and Gordon Lawson Enterprises Ltd. carrying on business as Rymal Developments (1986), to purchase the triangular parcel of land owned by the City of Hamilton which contains an area of 62.9m² (677.07 square feet) and having a frontage of 17.208 metres (56.45 feet) along the southerly limit of Hedgewood Avenue in the proposed "Nash Orchard Heights West" plan of subdivision, being part of Lot 28, Concession 4 in the former Township of Saltfleet, for the purchase price of \$975.00, be approved. A deposit cheque in the sum of \$100.00 is being held by the City Treasurer pending Council approval.

The acceptance of this offer is open until June 30th, 1987 and the closing date has been tentatively scheduled for August 20th, 1987.

BACKGROUND

The subject parcel is the small remainder (677 square feet) located on the south side of Hedgewood Avenue in the proposed "Nash Orchard Heights West" plan of subdivision that has been designated for single and double residential development on the approved Gershome Neighbourhood Plan. It is currently surplus to municipal parks and recreational needs as only those lands located north of Hedgewood Avenue have been designated for these latter open space uses.

BACKGROUND - Continued...

On March 31st, 1987, City Council adopted Item 5 of the Seventh Report of the Parks and Recreation Committee and granted permission to the solicitor for Rymal Developments (1986) to apply on behalf of the City to have the subject lands be placed in Land Titles in anticipation of this sale and the eventual inclusion into the Nash Orchard Heights West plan of subdivision.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor

OFFER TO PURCHASE

MEL LAWSON ENTERPRISES LTD.
HENRY H. YOUNG CONSTRUCTION LIMITED
GORDON LAWSON ENTERPRISES LTD.

I/We CARRING ON BUSINESS AS RYMAL DEVELOPMENTS (1986) of the City of Hamilton

in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part of lot 28, Concession 4 in the former Township of Saltfleet, now in the City of Hamilton, and more particularly described as being Part 1, Plan 62R- (shown as part 1 on a plan prepared by MacKay, MacKay & Peters Limited dated January 12th, 1987 and numbered Y-20594). The said parcel is triangular in shape having an area of 62.9m² (677.07 sq. ft.) and a frontage of 17.208 metres (56.45') along the southerly limit of Hedgewood Avenue in the proposed "Nash Orchard Heights West" plan of Subdivision. The property is described in full on Schedule "A" attached.

at the price of NINE HUNDRED & SEVENTY-FIVE-----DOLLARS (\$ 975.00-----)
of lawful money of Canada, payable as follows:-

- (a) A deposit of ONE HUNDRED-----DOLLARS (\$ 100.00-----)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely EIGHT HUNDRED-----
AND SEVENTY-FIVE-----DOLLARS (\$ 875.00-----)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 30th day of June 1987, by a letter mailed or delivered to the Purchaser at c/o Simpson, Wigle, Barrister & Solicitor, P.O. Box 990, Hamilton, Ontario L8N 3R1
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton this 20th day of May 19 87

SIGNED, SEALED AND DELIVERED) HENRY H. YOUNG-CONSTRUCTION LIMITED
in the presence of) Per: Henry H. Young President (Seal)
) GORDON LAWSON ENTERPRISES LTD.
) Per: _____ President (Seal)
) MEL LAWSON ENTERPRISES LTD.
) Per: Mel Lawson President (Seal)
carrying on business under the name of RYMAL DEVELOPMENTS (1986)

Name of Purchaser's Solicitor FRANCIS E. WIGLE, O.C.
c/o Simpson, Wigle
Barristers & Solicitors
Address of Purchaser's Solicitor P.O. Box. 990, Hamilton, Ontario, L8N 3R1

Description of Lands

All and Singular that certain parcel or tract of land and premises situate, lying and being

in the CITY OF HAMILTON

in the REGIONAL MUNICIPALITY of HAMILTON-WENTWORTH

in the PROVINCE OF ONTARIO

BEING COMPOSED of Part of Lot Number Twenty-Eight (28) in the Fourth

(4th) Concession of the Township of Saltfleet, and which parcel or tract of land maybe more particularly described as follows:

COMMENCING at an Iron Bar planted in the northern corner of the herein described parcel of land, being a point in the interior of the said Lot

Number Twenty-Eight (28) distant 537.245 metres measured on a course of South Forty-Three Degrees Fifty Minutes Thirty-Four Seconds West

(S 43° 50' 34" W) from the Northeastern corner of Lot Number Twenty-Eight (28).

THENCE South Sixteen Degrees Fifty-One Minutes Thirty Seconds West

(S 16° 51' 30" W) along an eastern limit of a parcel of land designated

Part One (1) according to deposited Plan Number 62R-8399, 15.333 metres to an Iron Bar at an angle therein.

THENCE South Seventy-Four Degrees Thirty-Seven Minutes Thirty Seconds

East (S 74° 37' 30" E) along a northeastern limit of the said Part One (1), 8.219 metres to an Iron Bar planted.

THENCE North Eleven Degrees Thirty-Nine Minutes Forty Seconds West

(N 11° 39' 40" W) 17.208 metres more or less to the point of commencement.

THE ABOVE DESCRIBED parcel of land contains by admeasurements 62.9 square metres.

DATED at Hamilton, Ontario

this 4th day of May

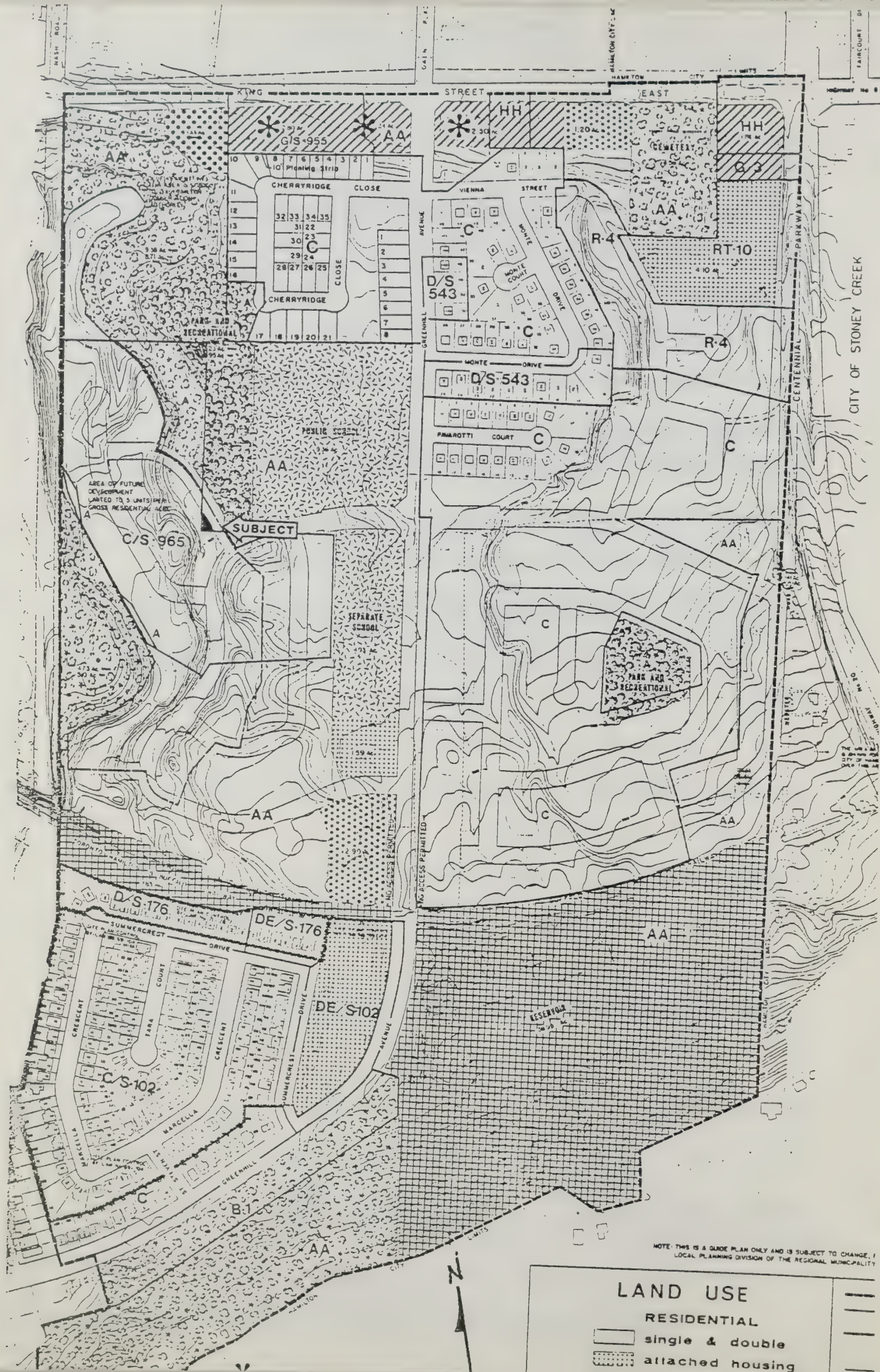
A.D., 1987

MACKAY, MACKAY & PETERS LIMITED

PER:

JOHN DAVID PETERS

ONTARIO LAND SURVEYOR



CITY OF STONEY CREEK

NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE. LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY

LAND USE

- RESIDENTIAL
- single & double
- attached housing

PLAN MATERIAL

PLASTIC MATERIAL: MYLAR
 GAUGE: 0.003 INCH
 PROCESS: PHOTOGRAPHIC
 NO: SPECIAL

H-3101

1. REQUIRE THIS PLAN TO BE DEPOSITED
 UNDER THE LAND TITLES ACT

DATED: JANUARY 12 1987

O.L.S.

J. DAVID PETERS

PLAN 62R-

RECEIVED AND DEPOSITED

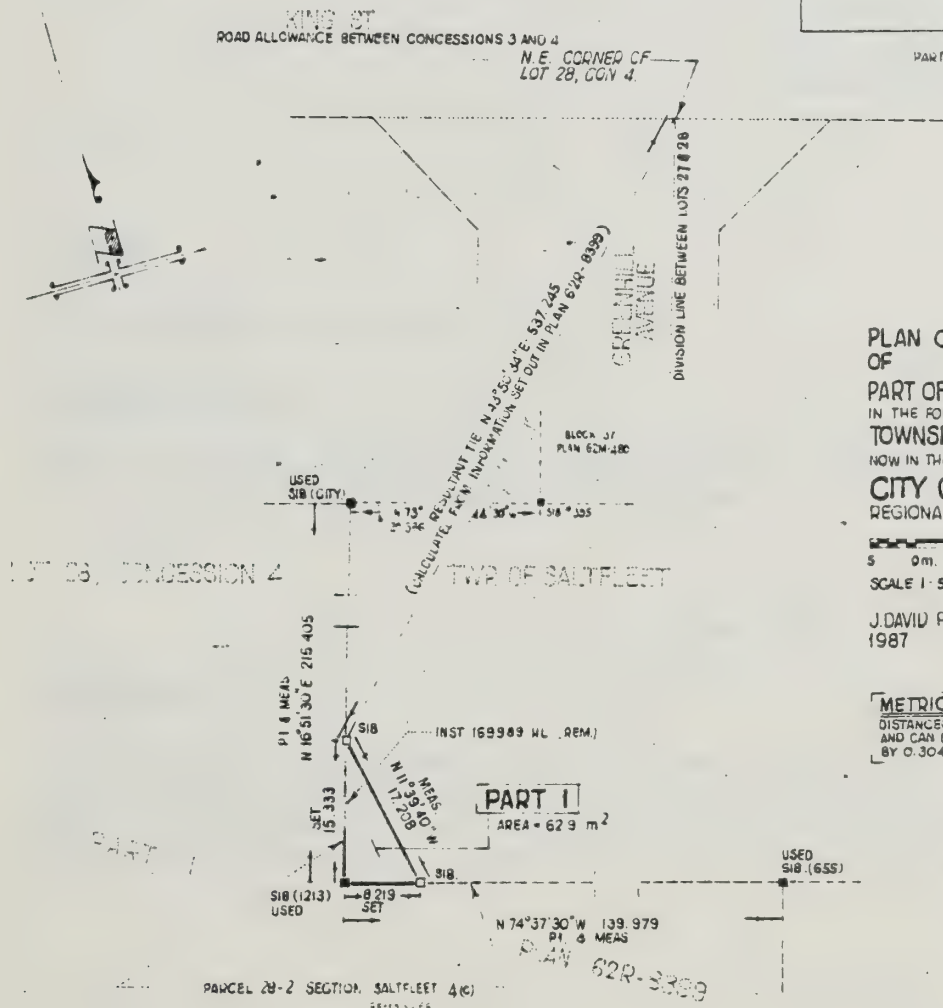
DATED

LAND REGISTRAR
 FOR THE LAND TITLES DIVISION OF WENTWORTH

APPROVED

ASST. EXAMINER OF SURVEYS

PART 1 PARCELS SECTION: SALT FLEET



PLAN OF SURVEY OF

PART OF LOT 28, CONCESSION 4,

IN THE FORMER

TOWNSHIP OF SALT FLEET

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

5 0 m. 5 10 20

SCALE 1" = 500

J. DAVID PETERS O.L.S.
 1987

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING
 BY 0.3048.

PART 1

AREA = 62.9 m²

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO A
 NORTHERN LIMIT OF PART 1 ON A COURSE OF
 N 74° 37' 30" W AS SHOWN ON PLAN 62R-8399

NOTE: 655 JOHN T. PETERS O.L.S.
 1213 J. DAVID PETERS O.L.S.
 P.1 PLAN 62R-8399
 595 J. DAVID PETERS O.L.S.

SIGN: DENOTES AN IRON BAR PLANTED
 SIGN: DENOTES AN IRON BAR FOUND
 P.1: DENOTES A POINT
 S. 8: DENOTES A 0.024 SQUARE INCH BAR
 8: DENOTES A 0.018 SQUARE INCH BAR
 1213: DENOTES A 0.015 SQUARE INCH BAR
 595: DENOTES A 0.015 SQUARE INCH BAR

CAUTION:

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN
 THE MEANING OF THE PLANNING ACT

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEYS ACT AND THE LAND TITLES ACT AND THE
 REGULATIONS MADE THEREUNDER

2. THE SURVEY WAS COMPLETED ON THE 7TH DAY OF JAN. 1987
 HAMILTON ONT. JANUARY 12, 1987

J. DAVID PETERS
 ONTARIO LAND SURVEYOR

MACKAY, MACKAY & PETERS LIMITED

ONTARIO LAND SURVEYORS
 ESTABLISHED 1906

SUITE 606 UNION GAS BUILDING
 20 HUGHSON STREET SOUTH
 HAMILTON, ONTARIO L8N 2A1
 TELEPHONE (416) 526-7471

PLAN NO Y-20594

7a

F O R A C T I O N

FROM LACAC DATE 1987 May 26
TO Planning and Development Committee Refer To File No. _____
Attention Of _____
Your File No. _____

SUBJECT

St. Clair Heritage District.

RECOMMENDATION

That Mr. Joe Ng, owner of 712 Main Street East be appointed to the St. Clair Heritage District Advisory Committee.


Secretary

BACKGROUND

Council policy for the Advisory Committee requires that there be more representatives from the District than from LACAC. Mr. Ng is the new owner of the commercial property at 712 Main Street East and is interested in cooperating with St. Clair owners in enhancing the heritage district.

F O R A C T I O N

7b.

FROM LACAC DATE 1987 June 3
TO Planning & Development Committee Refer To File No. _____
Attention Of _____
Your File No. _____

SUBJECT

Proposed alterations to 712 Main Street East.

RECOMMENDATION

That approval be given to the request of the owner of 712 Main Street East, which is located within the St. Clair Heritage Conservation District, for a Heritage Permit to carry out alterations subject to the choice of a suitable colour in respect of the installation of awnings.

BACKGROUND

At its meeting held March 4, 1987, the St. Clair Heritage Conservation District Advisory Committee (SCHDAC) approved the plans for alterations to 712 Main Street East subject to the choice of a more appropriate colour in respect of the installation of awnings.

The recommendation of SCHDAC was approved by LACAC at its meeting held May 25, 1987.

JT:mc

cc: Mrs. Nina Chapple,
Architectural Historian

FOR ACTION

7c.

FROM LACAC DATE 1987 June 3
TO Planning & Development Refer To File No. _____
Committee Attention Of _____
Your File No. _____

SUBJECT

Designation of the Carnegie Building, 55 Main Street West.

RECOMMENDATION

- (1) That approval be given to the "Intent to Designate" the Carnegie Building as 55 Main Street West as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, and
- (2) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

2/2/87 m2 22/87

BACKGROUND

The Ministry of Government Services has given its support for the proposed designation of the Carnegie Building.

JT:mc

cc: Mrs. Nina Chapple
Architectural Historian

8.

F O R A C T I O N

FROM K. A. Rouff, City Solicitor

DATE June 4, 1987

TO CHAIRMAN AND MEMBERS

Refer To File No. 100-1.340

PLANNING AND DEVELOPMENT COMMITTEE

ATTENTION: Mrs. Susan Reader

Acting Secretary

Attention Of D. R. Vickers

Your File No. _____

AND TO: CITY COUNCIL

SUBJECT

Butler et al vs City/Architect's Fees
re Library Farmers' Market

RECOMMENDATION

That the interim account of Weir and Foulds, Barristers and Solicitors, dated May 28, 1987 in the amount of \$5,552.00 for fees and \$310.88 in disbursements for a total of \$5,862.88 be paid. This account covers services from January 1, 1987 to April 23, 1987.

This involves a Supreme Court of Ontario action by the architects of the Hamilton Central Library and Farmers' Market for further fees and interest in the amount of some \$600,000.00. By adopting Section 20 of the Twenty-fifth Report of the Planning and Development Committee at its meeting of September 24, 1985, City Council approved that the firm of Weir and Foulds, Barristers and Solicitors be retained under the direction of the City Solicitor to act for the City. Examinations for Discovery are presently taking place.

cc.Mr. L. Sage, C.A.O.

cc.Mr. E. C. Matthews
City Treasurer

9.

F O R A C T I O N

FROM Planning and Development Department

DATE May 20, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-02

BEASLEY
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District for the properties located at Nos. 134, 136 and Ferguson Avenue North and the rear portion of the lands at 188 Cannon Street East. The purpose of the proposed rezoning is to permit the expansion of the dealership parking area and to recognize the service portion of the car dealership as a conforming use. The two existing residential units will be demolished.

RECOMMENDATION

That approval be given to Zoning Application 87-02, Ron Lee owner and prospective owner, requesting a change in zoning from "L-mr-2" (Planned Development-Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit the expansion of the car dealership parking area and to recognize the service garage portion of the car dealership as a conforming use for the properties located at 134 and 136 Ferguson Avenue North and the rear portion of the lands at 188 Cannon Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "L-mr-2" (Planned Development, Multiple Residential) to "H" (Community Shopping and Commercial, etc.) District;
- ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-Law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 14.(1) a public garage excluding an auto body and fender repair shop shall be permitted within the existing building.
- iii) That notwithstanding Section 18A(12), a minimum 1.5 m wide landscaped strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided along the southerly lot line except in the area within 3 m of the front lot line and the easterly lot line where the parking area abuts a residential use.

- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-4 be notated S ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vii) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands from "High Density Apartments" to "Commercial".

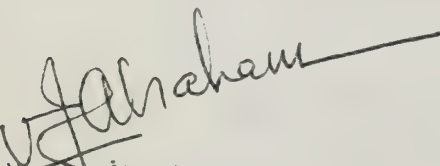
EXPLANATORY NOTE

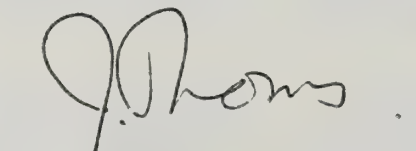
The purpose of this By-law is to provide for a change in zoning from "L-mr-2) (Planned Development - Multiple Residential) District to "H" (Community Shopping and Commercial, etc.) District for the properties located at Nos. 134 and 136 Ferguson Avenue North and rear portion of the lands at No. 188 Cannon Street East.

The effect of the By-Law is twofold:

- o to recognize the service center portion of the car dealership as a conforming use;
- o to expand the parking area of the dealership;
- o to require a minimum 1.5 m wide landscaped strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the southerly and easterly lot line where the parking area abuts a residential use.

The two existing residential units will be demolished.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ron Lee, owner and propsective owner.

LOT SIZE AND AREA

- o 24.38 m (80 ft.) of lot frontage on Ferguson St.;
- o 45.72 m (150 ft.) of lot depth;
- o 1,114.8 m² (12,000 sq. ft.) of lot area.

ECONOMIC FACTORS

The applicant has advised that 9 full time jobs will be created. The total cost of the project is less than \$100,000 and manpower will consist of people mainly from the City of Hamilton.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, GO Transit, Building Department, Ministry of Transportation and Communications, Traffic Department and the Hamilton-Wentworth Engineering Department have no comments or objections.

COMMENTS

1. The proposal complies with the Official Plan.
2. A redesignation from "High Density Apartments" to "Commercial" in the approved Beasley Neighbourhood Plan is required to permit the proposal.
3. The proposal merits consideration for the following reasons:
 - a) it is compatible with the surrounding land uses including an auto body shop to the south, commercial to the north and parking lot to the west;
 - b) the Honda downtown dealership has been in existence at this location for a number of years. Approximately 2/3 of the site is used presently for the service garage and the associated parking. Therefore, the use of an additional 1/3 of the site (for parking purposes) instead of residential is considered to be a minor redevelopment;
 - c) it will establish uniform zoning across the applicant's lands.
4. In addition, a minimum 1.5 m wide landscaped strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height should be provided along the southerly lot line except within 3 m of the front lot line and the easterly lot line where the parking area abuts a residential use.

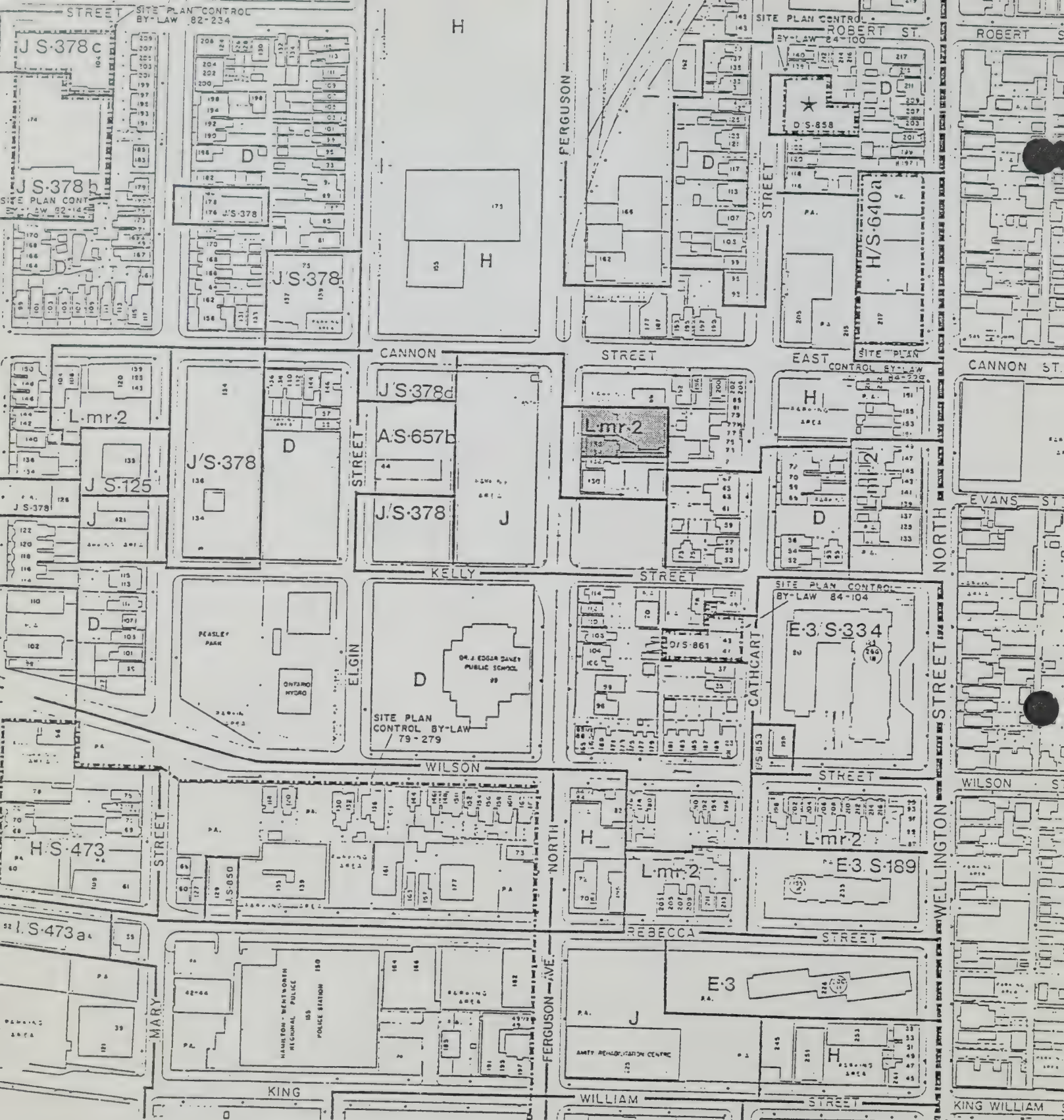
Buffering the parking area from adjacent residential uses will minimize any possible impacts emanating from the parking lot.

CONCLUSION


Based on the foregoing, the proposal can be supported.

J.H.:nd

W.P. DOC. 0507P



LEGEND

 SITE OF APPLICATION.



FOR ACTION

10.

FROM Planning and Development Department

DATE _____

TO Planning and Development Committee

Refer To File No. C.I. 87-C

RIVERDALE EAST
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations applicable to City-owned property located at No. 53 Lake Avenue North, as shown on the attached map marked as APPENDIX "A". The effect of the proposed modification in zoning is to permit the conversion and use of the subject property for a senior citizen drop-in-centre.

RECOMMENDATION

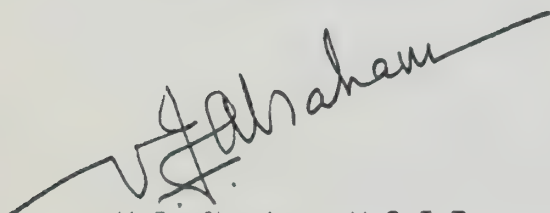
That approval be given to City Initiative 87-C, for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations applicable to City-owned property located at No. 53 Lake Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:

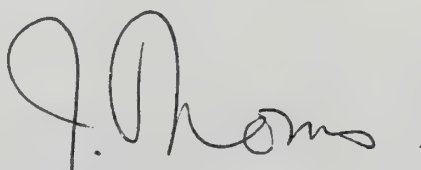
- i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section Seven of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - a) That in addition to the uses permitted in clauses (viii) and (x), public uses, of Section 7 (1) of By-law No. 6593, a Senior Citizen Drop-In-Centre shall be permitted within the existing building.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-114 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning District Map E-114; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District for City-owned property located at No. 53 Lake Avenue North as shown on the attached map.

The effect of the By-law is to permit a Senior Citizen's Drop-In-Centre to be established within the existing building situated on the property.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms,
Commissioner
Planning and Development

LOT SIZE AND AREA

- 25.90 m (85.0 ft.) of lot frontage on Lake Avenue North;
- 43.89 m (144 ft.) average lot depth; and,
- approximately 1,137,709 m² (12,240 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	occupied by a 2-1/2 storey single-family dwelling	"A"(Conservation, Open Space, Park and Recreation) District
<u>Surrounding Lands</u>		
to the north	vacant city-owned land and single-family dwellings	"A" (Conservation, Open Space, Park and Recreation) District and "C" (Urban Protected Residential, etc.) District
to the south	single-family dwelling	"C" (Urban Protected Residential, etc.) District

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		Date		
		MAY 29 1987		
TO	STAFF	INT.	INFO.	ACT.
DIR.				
PLA.				
ENV.				
DEV.				
STAFF				
CAPT.				
ADMIN.				

CI 87-C

May 19, 1987

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Regional Municipality of Hamilton-Wentworth
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

RE: City Initiative CI-87-C for a change in zoning from
"A" to "AA" District regulations for a property
located at 53 Lake Avenue North, City of Hamilton

The planning staff of the Hamilton Region Conservation Authority has considered the above proposal and notes that the subject lands are located immediately east of Battlefield Creek. According to a 1973 floodline mapping study, the property including existing buildings, is located within the floodplain of Battlefield Creek under Regional storm conditions. All floodplain lands associated with this watercourse are subject to the jurisdiction of Ontario Regulation 617/86, the Fill and Construction Regulations of the Hamilton Region Conservation Authority (see attached plan). Any proposal to erect a structure or alter existing grades on the property will require a permit issued by the Conservation Authority pursuant to said regulation.

From the standpoint of public safety, the Conservation Authority would have serious concerns for the development of senior citizens overnight accommodations within a floodplain. However, through discussions with City staff, we understand that the proposed rezoning is intended to permit community day use facilities only geared for use by senior citizens for social gatherings, etc. On this basis, we are prepared to recommend approval of this proposal.

Based on information appended to the application, it is our understanding that improvements are proposed to the parkland located to the rear of the existing buildings on the subject property. By a copy of this correspondence, the Culture & Recreation and Public Works Departments are reminded that approvals from the Conservation

Mr. V.J. Abraham, M.C.I.P.

May 19, 1987

Page 2

Authority are required for alterations or new structures within the floodplain.

Should you have any questions, please contact K. Dakin, Authority staff.

Yours truly,



R.W. Chrystian

Director of Planning & Engineering

JKD:nb

Enc.

cc: Ms. A. Schimmel, Director, Culture & Recreation Dept., Hamilton
Mr. J. Pavelka, Director, Public Works Dept., Hamilton

to the east	single-family dwellings	"C"(Urban Protected Residential, etc.) District
to the west	vacant city-owned lands	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - Land Use Concept Plan, and "Hazard Lands" on Schedule "C" of the Official, the proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "Open Space" on the approved Riverdale East Neighbourhood Plan, the proposal would not conflict.

BACKGROUND

By a memo dated March 27, 1987, from the Parks and Recreation Department, the Parks and Recreation Committee has requested that the Planning and Development Committee consider a change in zoning of the subject parcel of land to permit the proposed senior citizen drop-in-centre.

The senior citizen drop-in-centre would involve participation from area residents who would use the existing city-owned property as a meeting place to play cards, bridge, bingo, crafts, sing songs etc. The facility would be run by and cater to the seniors' in this area. There would be no overnight accommodations provided.

COMMENTS RECEIVED

- The Building Department has advised that:

"By-law No. 6593 does not refer to a "Seniors Drop-in-Centre" in any district. It is possible that this use may be permitted under Section 7A (i)(c) and 8 (i) (vi) of the By-law No. 6593.
- The Local Architectural Conservation Advisory Committee has advised that:

"The house at 53 Lake Avenue North is listed on the City's Inventory of Architecturally and Historically Significant Buildings..." We would like to see the house preserved and support the proposal to turn it into a Seniors Drop-in-Centre".

- o The Traffic Department has no objection.
- o The Hamilton Region Conservation Authority (see attached letter).
- o The Hamilton-Wentworth Engineering Department has advised that:
 - 1) "According to our records, the lands required for the road allowance widening of Lake Avenue was previously acquired by Instrument No. 92235 A.B. and shown as Part 6 on Survey Plan No. L-107B Surveys. These lands were incorporated into the Lake Avenue Road allowance by By-law No. 75-75.
 - 2) In the absence of any plans being submitted, we advise at this time that any works which may occur within the Lake Avenue road allowance, as widened, must conform to the City of Hamilton Streets By-law.
 - 3) Any change in access or new access will require an Approach Approval from the City of Hamilton Traffic Department.
 - 4) We would also like to inform you that watermains and separate storm and sanitary sewers are presently available at this location.

COMMENTS

- 1. The proposal complies with the intent of the Official Plan.
- 2. The proposal has merit and can be supported for the following reasons:
 - o it utilizes and preserves a building which is listed on the City's Inventory of Architecturally and Historically Significant Buildings;
 - o it provides a worthwhile community service to senior citizens in this area of the city who have petitioned the Parks and Recreation Committee to have the drop-in-centre established at this location;
 - o the facility will cater to only senior citizens who would use it for passive recreational purposes;
 - o the proposed use would be compatible with the adjacent city-owned park and open space uses; and,
 - o the site can accommodate required off-street parking.

FOR ACTION

11.

FROM Planning and Development Department

DATE Me

TO Planning and Development Committee

Refer To File No. ZA-87-38

KENTLEY
NEIGHBOURHOOD

Attention Of V. J. Abraham

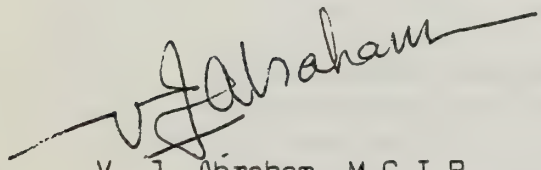
SUBJECT

Request for a modification to the established "L-mr-1" (Planned Development Multiple Residential) District regulations applicable to property located at the rear of No. 191 Centennial Parkway North. The purpose of the application is to permit the temporary use of this vacant parcel of land for the parking and storage of new and used motor vehicles, in conjunction with Parkway Toyota Limited located at No. 191 Centennial Parkway North also owned by the applicant.

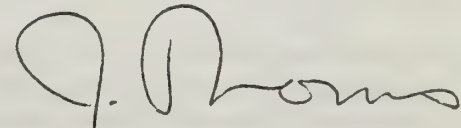
RECOMMENDATION

That Zoning Application 87-38, Parkway Toyota Limited, owner, requesting a modification to established "L-mr-1" (Planned Development Multiple Residential) District regulations applicable to property located at the rear of No. 191 Centennial Parkway North, as shown on the attached plan marked as APPENDIX "A" be denied for the following reasons:

1. The proposal conflicts with the intent of the Official Plan as it would represent an undesirable extension of an established commercial use onto adjacent lands which may impede their future development for residential purposes.
2. The proposal conflicts with the intent of the approved Kentley Neighbourhood Plan which designates the subject lands for "Attached Housing" purposes.
3. Approval of the application as proposed would establish an undesirable precedent and could set the stage to allow for the future commercial use (temporary or permanent) of abutting lands to the north.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Parkway Toyota Limited, owner.

LOT SIZE AND AREA

- 11.88 m (39.0 ft.) of lot depth;
- 43.26 m (141.93 ft.) of lot flankage; and,
- 0.05 ha (0.127 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Vacant	"L-mr-1" (Planned) Development - Multiple Residential) District
<u>Surrounding lands</u>		
To the north	Vacant lands	"L-mr-1" (Planned Development - Multiple Residential) District
To the south	Vacant lands and commercial uses	"L-C" (Planned Development Commercial) District and "HH" (Community Shopping and Commercial, etc.) District
To the east	A shopping centre	"G-1" (Designed Shopping Centre, etc.) District
To the west	Vacant lands	"L-mr-1" (Planned Development Multiple Residential) District

OFFICIAL PLAN

Designated "Residential" on Schedule A - Land Use Concept Plan of the Official Plan. According to Policy A.2.1.1, the primary uses permitted in this designation are dwellings.

However, the following policy regarding temporary parking would also apply to the proposal:

B.3.3.9 In accordance with The Planning Act, and Subsection D.3 of this Plan, those lands that are vacant and which may be advantageous utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) The use of such vacant lands for temporary PARKING will not exceed three (3) years; and
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause (iii) above, upon termination of the approval period where specific application to Council for such extended approval is made.

NEIGHBOURHOOD PLAN (See Appendix "B" Attached)

Designated for "Attached Housing" on the approved Kentley Neighbourhood Plan, the proposal does not comply.

Taking into consideration the foregoing Official Plan and Neighbourhood Plan land use designations, the proposal would have the effect of extending the commercial automobile dealership onto the subject lands, thereby impeding its future planned development for residential purposes.

COMMENTS RECEIVED

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"public watermains as well as separate storm and sanitary sewers are available to service the subject lands. The designated road allowance width of Centennial Parkway is 36.58 m (120 feet). It appears that the road allowance widenings have been acquired to establish the property line 18.29 m (60 feet) from the centre line of construction. Any works within the adjacent road allowance must conform to the City of Hamilton Streets By-Law."

COMMENTS

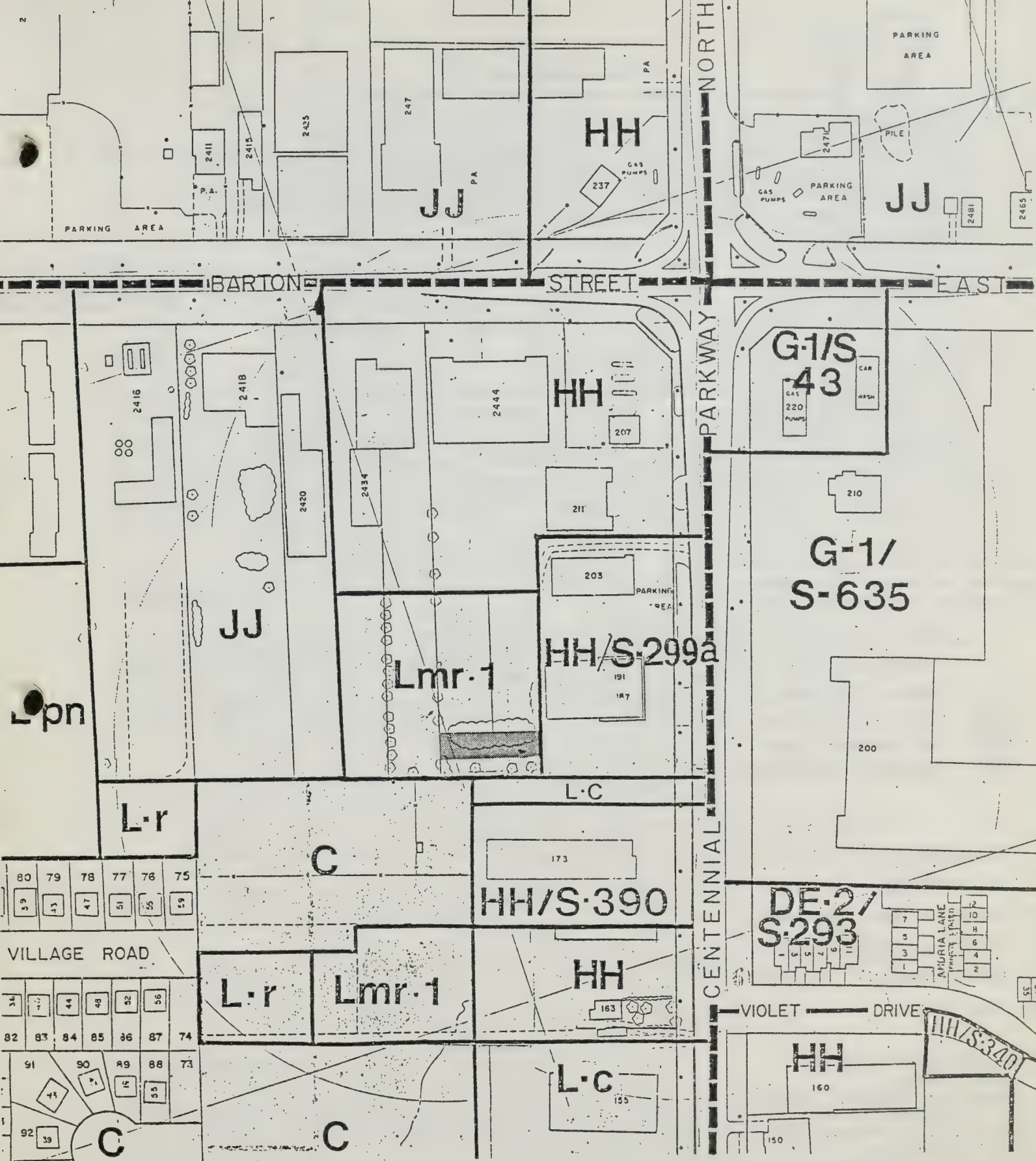
1. The proposal conflicts with the intent of the Official Plan as it would represent an undesirable extension of an established commercial business onto adjacent lands which may impede their future development for residential purposes. Policy B.3.3.9 of the Official Plan would permit the use of vacant land for the temporary parking of vehicles where relief from parking difficulties in the City are encountered, e.g. on-street parking. The proposal to permit the storage of new and used cars in conjunction with a car dealership represents an expansion of an established commercial use onto lands designated residentially.
2. The proposal conflicts with the intent of the approved Kentley Neighbourhood Plan.
3. Approval of the application as proposed would establish an undesirable precedent and could set the stage to allow for the future commercial use (temporary or permanent) of abutting lands to the north.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

G.A.W.:nd

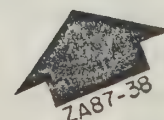
W.P. DOC. 0506P

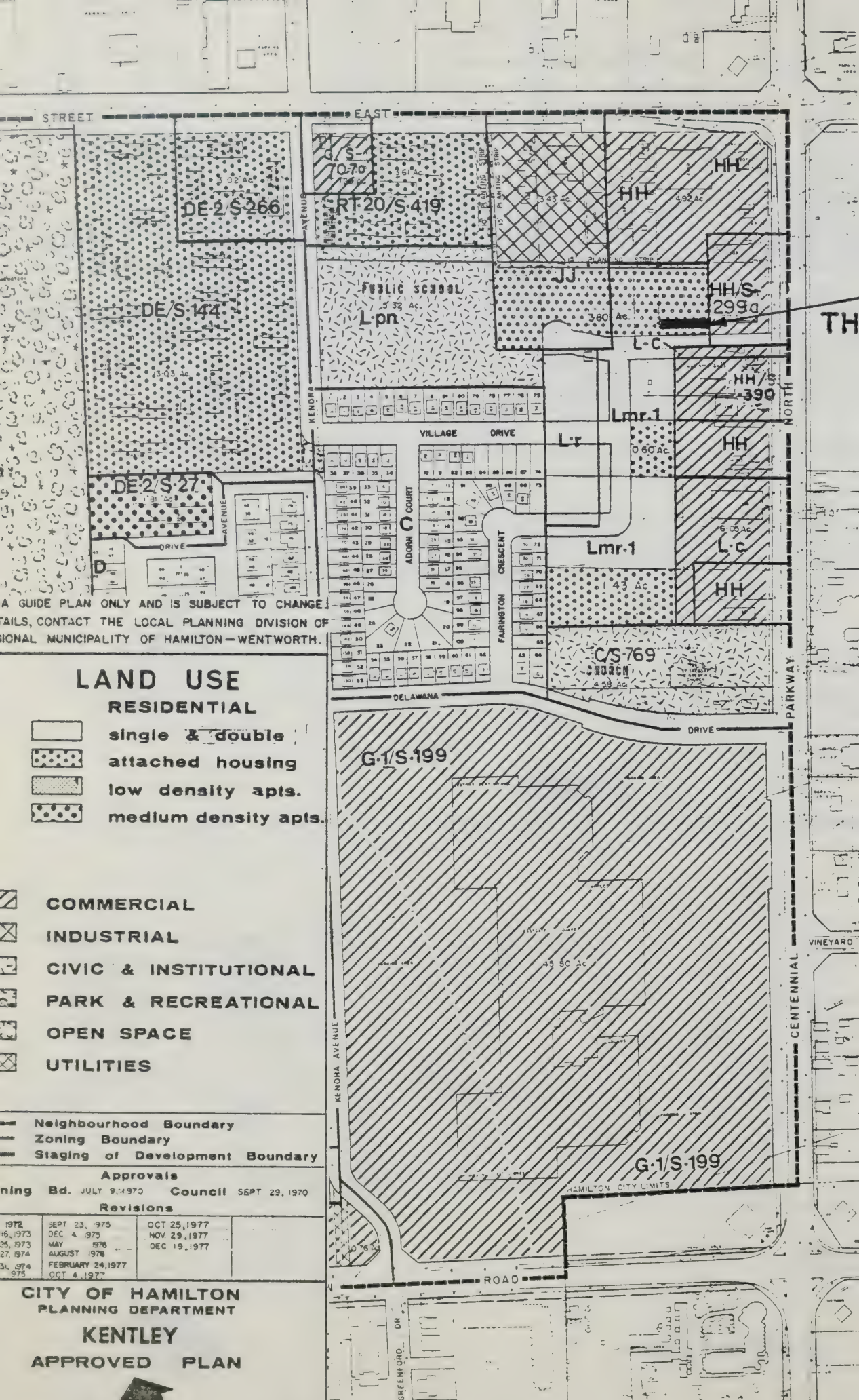


LEGEND



SITE OF APPLICATION





SITE OF THE APPLICATION

A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE. FOR DETAILS, CONTACT THE LOCAL PLANNING DIVISION OF REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.

- COMMERCIAL**
- INDUSTRIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**

Neighbourhood Boundary			
Zoning Boundary			
Staging of Development Boundary			
Approvals			
Planning Bd. JULY 9, 1970		Council SEPT 29, 1970	
Revisions			
1972,	SEPT 23, 1975	OCT 25, 1977	
16, 1973	DEC 4, 1975	NOV 29, 1977	
25, 1973	MAY 1976	DEC 19, 1977	
27, 1974	AUGUST 1976		
31, 1974	FEBRUARY 24, 1977		
34, 1975	OCT 4, 1977		

F O R A C T I O N

12.

FROM Planning and Development Department

DATE J1

TO Planning and Development Committee

Refer To File No. ZA-87-40
BRULEVILLE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to a "DE-3" (Multiple Dwellings) District for property located at No. 390 Limeridge Road East, as shown on the attached map marked as APPENDIX "A". The purpose of the proposed change in zoning is to permit the subject lands to be developed for either multiple family development or for parking purposes in conjunction with developments on adjoining lands to the east or west.

RECOMMENDATION

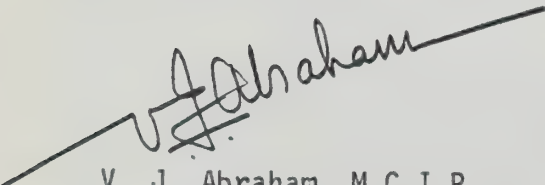
That approval be given to Zoning Application 87-40 David R. Maas, prospective owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for property located at No. 390 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

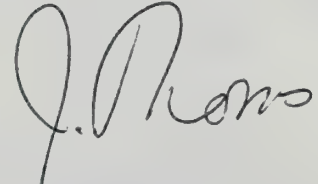
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Maps E18A and E18B;
- iii) That the proposed change in zoning complies with the Official Plan for the City of Hamilton; and,
- iv) That the Bruleville Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to a "Low Density Apartments" designation.

EXPLANATORY NOTE

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for property located at No. 390 Limeridge Road East.

The effect of this By-Law is to permit the subject lands to be developed in accordance with the "DE-3" District provisions either on their own, or in conjunction with development on adjoining lands either to the east or west.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

David R. Maas, prospective owner.

LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on the south side of Limeridge Road East;
- 66.87 m (219.39 ft.) of lot depth; and,
- 1,017.25 m² (10,950.0 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single-family dwelling	"AA" (Agricultural) District
<u>Surrounding lands</u>		
To the north	A cemetery	"AA" (Agricultural) District
To the south	Vacant lands and the proposed Mountain Freeway lands	"AA" (Agricultural) District

To the east	Vacant lands and a single-family dwelling	"DE" (Low Density Multiple Dwellings) District (subject to final By-Law approval)
To the west	Vacant lands proposed for a retirement home	"DE-3" (Multiple Dwellings) District (subject to final By-Law approval)

OFFICIAL PLAN

Designated "Residential". On the basis that the lands are developed for residential purposes, the proposal complies. However, should the applicant decide to sell the property to the adjoining land owner to the west and develop it in conjunction with the proposed retirement home, an Official Plan Amendment would be required as the combined site would exceed 0.4 ha in area. Because there is no firm commitment as to this use or sale, we should not proceed with an Official Plan amendment at this time. The Official Plan Amendment, if required, could be considered at the time of the annual review and update of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated for "Attached Housing" on the approved Bruleville Neighbourhood Plan. As this is the only property remaining in the "Attached Housing" designation at this location, and it is likely that these lands will be incorporated and developed in conjunction with adjacent lands either to the east or west which are designated for "Low Density Apartments", it would be appropriate to redesignate the subject lands to a "Low Density Apartment" designation.

COMMENTS RECEIVED

- The Building Department has advised that perhaps "G-3" zoning would be appropriate for a proposed parking area.
- The Traffic Department, Hamilton Region Conservation Authority have no comments or objections.
- The Ministry of the Environment has advised that they have "no objection to the approval of the proposed zoning amendment. We understand that the land subject to rezoning would be used to provide parking for a senior citizens residence to be constructed on lands to the west. We expect that, due to the proximity of the proposed Mountain Freeway, the residence will be designed to attenuate noise in accordance with the Provincial Policy entitled, Guidelines on Noise and New Residential Development Adjacent to Freeways."
- The Hamilton-Wentworth Engineering Department (See Appendix "B" attached).

COMMENTS

1. On the basis that the site is developed for multiple residential purposes the proposal complies with the Official Plan. However, if the site is to be developed in conjunction with the proposed retirement home located immediately to the west, an amendment to the Official Plan would be required to redesignate the subject lands from "Residential" to a "Major Institutional" land use, as the combined site for retirement home purposes would exceed 0.4 ha of lot area. Because there is no firm commitment as to its sale for this purpose, an Official Plan Amendment is not warranted at this time.
2. As the subject parcel of land is the only property in this area remaining in an "Attached Housing" designation, and it is likely that the site will be developed in conjunction with adjoining lands either to the east or west within a "Low Density Apartment" designation, it would be appropriate to redesignate the subject lands from "Attached Housing" to a "Low Density Apartment" designation.
3. The proposal has merit and can be supported for the following reasons:
 - taking into consideration the limited size of the site, the requested "DE-3" zoning would permit the site to be developed on its own for a two-family dwelling, or be developed in conjunction with adjoining lands either to the east or west to provide for a comprehensive development;
 - the proposed use would be compatible with existing and proposed multiple family or institutional development in this area.
4. The requested "DE-3" zoning is subject to the provisions of Site Plan Control By-Law 79-275, and would require the applicant to submit site plans for the approval of the Planning and Development Committee prior to the issuance of a building permit.

CONCLUSION

On the basis of the foregoing the application can be supported.

G.A.W.:nd

W.P. DOC. 0518P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH BRANCH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT				
HAMILTON-WENTWORTH BRANCH				
File No.	Received			
24-87-40	MAY 21 1987			
TO	STAFF	INIT.	INFO.	ACT.
D.R.				
12-1				

ID# 0045D (44)

May 14, 1987

Refer to File No.		E220-0209	
Attention of		K.A. Brenner	
Your File No.		ZA-87-40	
JZ			
GN			

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-40 by David R. Maas for a change in zoning from "AA" to "DE-3" regulations for property located at 390 Limeridge Road East

Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Limeridge Road East is 26.21m (86 feet). We recommend as a condition of development approval, that sufficient lands be dedicated to the City of Hamilton. This will establish the property line 13.11m (43 feet) from the centre line of the original Limeridge Road road allowance.

Any work within the Limeridge Road road allowance must conform to the City of Hamilton Streets By-Law.

For the information of the applicant, it is intended that Limeridge Road will be terminated west of Upper Wentworth Street at such time as the interchange for the East-West Freeway is constructed.

According to the approved Bruleville Neighbourhood Plan, the subject lands are designated for attached housing. It is also proposed that a street be constructed to the east and south of the subject lands. In view of the numerous pending developments in this section of Limeridge Road, we recommend that an overall development plan be prepared and circularized for comments to ensure development in an orderly manner.

For the information of the applicant, City Council has approved the realignment of the intersection of Limeridge Road and Kingfisher to a standard T-intersection. The applicant may wish to attend this office to review these plans.

K.A. Brenner

TLH:lj
Encl.

cc: M. A. Chidley, Regional Surveyor

APPENDIX B

KIMFISHER DR

INSERT

LIMERIDGE ROAD Rd widening

N 71° 11' 10" W

N° 48

N° 390

N° 384

N° 370

Zone Application
87-40

408.5 N 66° 30' 10" E

N 157° 01' 48.99

E 901 999.93

N 85° 14' 10" W

141.19

500.0

N 157° 01' 48.99

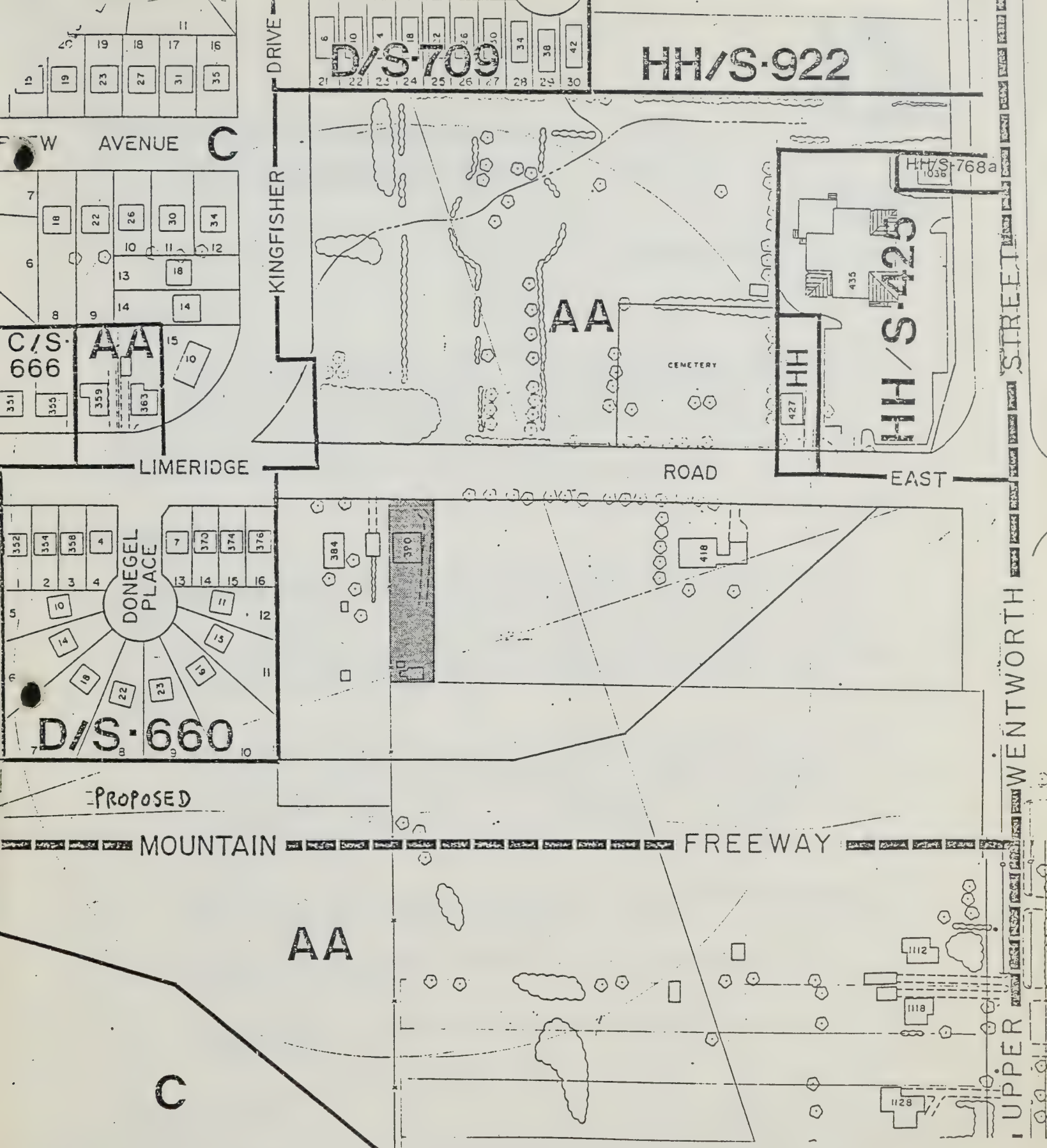
E 901 889.25

843.92

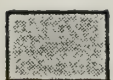
105

1409.94

104



LEGEND



SITE OF APPLICATION



13.

FROM Planning and Development Department

DATE _____

TO Planning and Development Committee

Refer To F

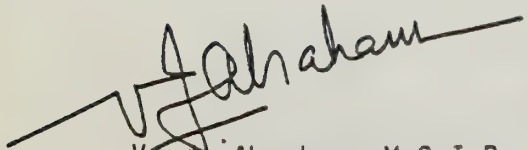
KENTLEY
NEIGHBOURHOODAttention Of V. J. AbrahamSUBJECT

Request for a further modification to the "B-1" (Suburban Agriculture and Residential, etc.) District for the property located at No. 505 Queenston Road. The purpose of the proposed modification is to permit the conversion of the entire building for professional offices (an approximate total area of 176.51 m² (1,900 sq. ft.)). A portion of the building is currently being used for residential purposes.

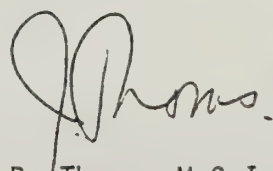
RECOMMENDATION

That Zoning Application 87-42, Julia Quick, owner requesting a further modification to the "B-1" (Suburban Agriculture and Residential, etc.) District, to permit the conversion of the entire building for professional offices with an approximate total area of 176.51 m² (1,900 sq. ft.), for the property located at No. 505 Queenston Road, as shown on the attached map marked as APPENDIX "A" be denied for the following reasons:

- a) the intent of the previous amending By-Law (By-Law No. 77-157) was to retain a portion of the building for residential purposes in order to preserve the residential character of the development along Queenston Road. If the entire building is converted to commercial uses, then the character of this established residential area will be eroded.
- b) there is an ample supply of commercially zoned land to the east and the west of the subject lands;
- c) it does not comply with the Official Plan or Approved Kentley Neighbourhood Plan;
- d) it would set an undesirable precedent for future similar applications.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Julia Quick, owner.

LOT SIZE AND AREA

- o 30.48 m (100 ft.) of lot frontage;
- o 45.72 m (150 ft.) of lot depth; and
- o 1,393.5 m² (15,000 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Chiropractic clinic and residential	"B-1" (Suburban Agriculture and Residential, etc.) District
<u>Surrounding lands</u>		
To the north	Townhouses, single family dwellings	"DE" (Low Density Multiple Dwellings) District "B-1" (Suburban Agriculture and Residential, etc.) District
To the south	5 and 7 storey apartment buildings	"E-2" (Multiple Dwellings) District
To the east	Single family dwellings	"B-1" (Suburban Agriculture and Residential, etc.) District
To the west	3 storey apartment building	"E-2" (Multiple Dwellings) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". A medical practitioner's office is permitted within a residentially designated area provided it does not detract from the character of the area and is located on a major road.

The applicant intends to use the building for professional offices. On this basis, the proposal does not comply with the Official Plan. A site specific text amendment is required to permit the proposal.

However, if the applicant restricts the use of premises for medical offices only, an amendment to the Official Plan is not required.

NEIGHBOURHOOD PLAN

The subject lands are designated "Low Density Apartments" in the Kentley Neighbourhood Plan. A redesignation from "Low Density Apartments" to "Commercial" is required to permit the proposal.

BACKGROUND

o By-Law No. 77-157

On May 31, 1977 City Council passed a By-Law restricting the commercial floor area to 65.03 m² (700 sq. ft.) of the total building area. In addition, a minimum of 139.35 m² (1,500 sq. ft.) of the front yard is to be landscaped.

It appears from the Building Department's records that the previous owner, at one time, had approximately 1,600 to 1,700 sq. ft. of landscaped area in the front yard.

On May 26, 1987, the site was inspected by the Building Department. Approximately 500 sq. ft. of the front yard is landscaped. An additional 1,000 sq. ft. is required to meet By-Law requirements.

COMMENTS RECEIVED

o The Traffic Department and Building Department have advised that off-street parking should be provided as per the requirements in the Zoning By-Law No. 6593.

o The Hamilton-Wentworth Engineering Department has advised in part that:

"The designated road allowance width of Queenston Road is 36.58 m (120 ft.). In accordance with this designation, Survey Plan R-133 was prepared outlining the lands required for road widening purposes. Part 2 of Plan R-133 are lands required for road widening purposes adjacent to the subject lands. We recommend as a condition of development approval, that Part 2 on Plan R-133 be dedicated to the Region for road widening purposes". (See attached comments.)

- o The Hamilton Region Conservation Authority has no objections.

COMMENTS

1. If the premises are used for professional offices, other than medical, the proposal does not comply with the Official Plan. A site specific text amendment will be required to permit the proposal if the use of the premises is not restricted to medical offices only.
2. The proposal cannot be supported for the following reasons:
 - a) the intent of the previous amending By-Law (By-Law No. 77-157) was to retain a portion of the building for residential purposes in order to preserve the residential character of the development along Queenston Road. If the entire building is converted to commercial uses, then the character of this established residential area will be eroded.
 - b) there is an ample supply of commercially zoned lands to both the east and west of the subject lands.
 - c) it does not comply with the Official Plan and the approved Kentley Neighbourhood Plan.
3. Approval of the application would set an undesirable precedent for future similar applications.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

J.H.:nd

W.P. 0530P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT			
File No. 2A87-42 MAY 25 1987			
STAFF	INIT	INFO	ACT
DIR.			
PR & A			

I.D. #0045D(47)

May 19, 1987

DE	Refer to File No.	E220-1102
E & U.O.	Attention of	T. Hearn
ST	Your File No.	ZA-87-42
C		

TO: V. J. Abraham, Planning Department
Att: J. Zipay

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-42 by Julia A. Quick,
for a Modification to "B-1" Regulations for
Property Located at 505 Queenston Road

Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Queenston Road is 36.58m (120 ft). In accordance with this designation, Survey Plan R-133 was prepared outlining the lands required for road widening purposes. Part 2 of Plan R-133 are lands required for road widening purposes adjacent to the subject lands. We recommend as a condition of development approval, that Part 2 on Plan R-133 be dedicated to the Region for road widening purposes.

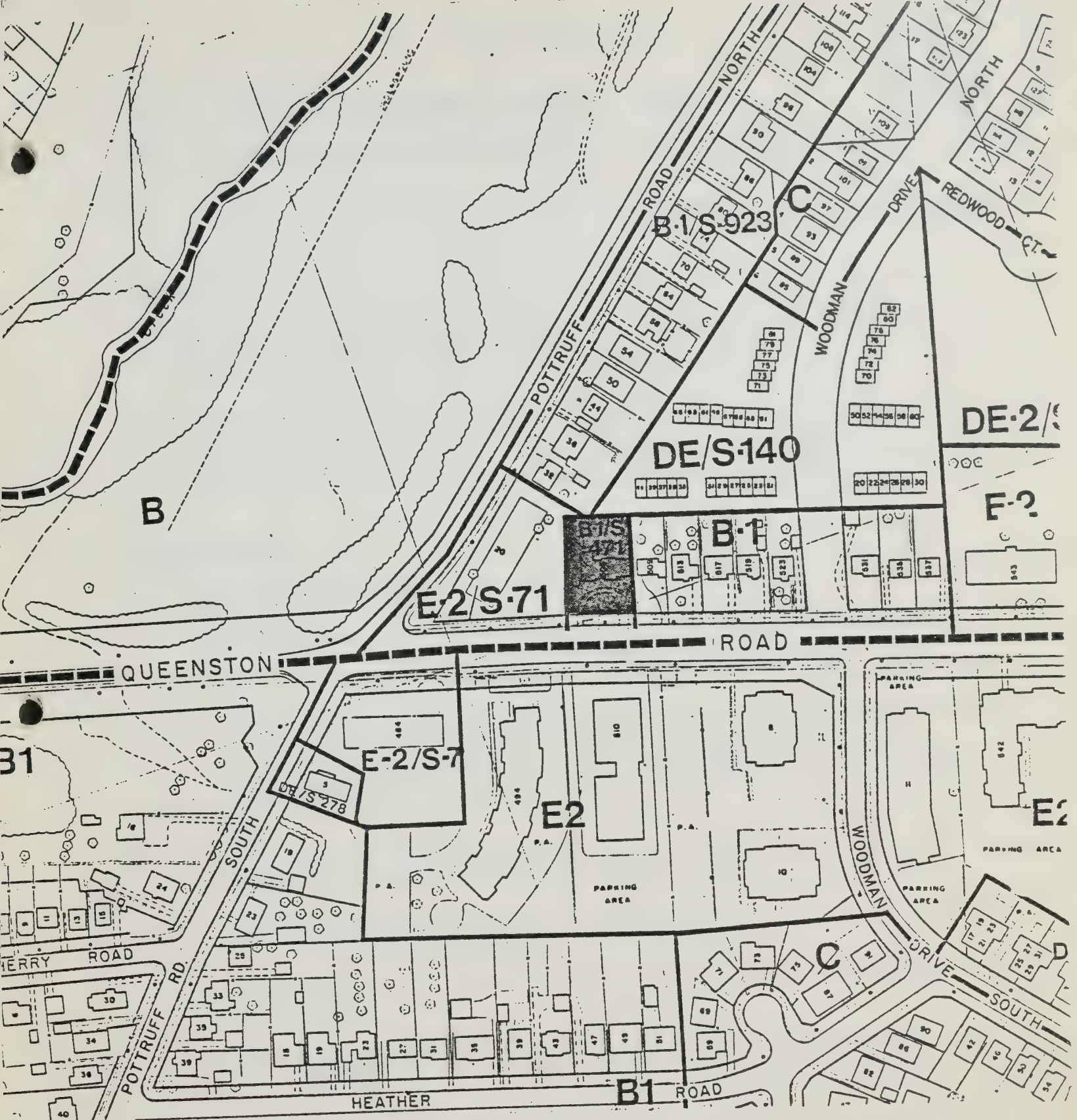
Any work within the Queenston Road road allowance, as widened, must conform to the Region's Road Use By-Law.

Any improvements required on Queenston Road as a result of this development approval will be at the expense of the owner/applicant.

K. A. Brenner
for K. A. Brenner

TLH:mp
Encl.

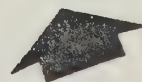
c.c. M. A. Chidley, Regional Surveyor



LEGEND



SITE OF THE APPLICATION



ZA87-42

APPENDIX A

F O R A C T I O N

FROM: Planning and Development Department DATE
TO: Planning and Development Committee Refer to File

14.

Attention V. J. Abraham

SUBJECTS

1. Application to the Region for approval of a draft plan of subdivision Regional File No. 25T-87003, City of Hamilton, File No. SA-87-06, to establish 43 lots for single-family dwellings.
2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-25, for a change in zoning from "L-pn" (Planned Development Public and Institutional) District and "JJ" (Restricted Light Industrial, etc.) District to "C" (Urban Protected Residential, etc.) District.

RECOMMENDATION

1. Subdivision Application

- a) That approval be given for application SA-87-06, Casa Blanca Properties, owner, to establish a draft plan of subdivision on the east side of Kenora Avenue south of Barton Street, subject to the following conditions:
 1. That approval apply to the plan prepared by Ashenhurst Nouwens Limited dated February 1987, revised to widen the road allowances and cul-de-sac bulbs to 20 m and 15 m radii respectively, to add a 4.5 m wide walkway and to show the required re-lotting for a total of 42 lots and a block.
 2. That the road allowances be dedicated as public highways and the walkway be dedicated as a public walkway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

8. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton
9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- a) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-06), Casa Blanca Properties, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

That approval be given to Zoning Application 87-25, Casa Blanca Properties Inc., owner, for a change in zoning from "L-pn" (Planned Development, Public and Institutional) District and "JJ" (Restricted Light Industrial, etc.) District to "C" (Urban Protected Residential, etc.) District, for property located on the east side of Kenora Avenue and south of Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "L-pn" (Planned Development - Public and Institutional) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands described as Block "2" be rezoned from "JJ" (Restricted Light Industrial, etc.) District to "C" (Urban Protected Residential, etc.) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-103 and E-104;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area:
- v) That the Kentley Neighbourhood be amended by redesignating Block "1" from "Civic and Institutional" to a "Single and Double" residential land use designation, and Block "2" from "Attached Housing" and "Industrial" to a "Single and Double" residential land use designation.

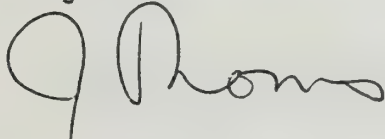
EXPLANATORY NOTE

The purpose of the By-law is to provide for the following changes in zoning for property located on the east side of Kenora Avenue and south of Barton Street East, as shown on the attached map.

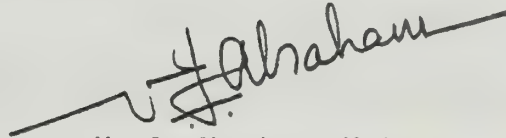
Block "1" - Change from "L-pn" (Planned Development - Public and Institutional) District to "C" (Urban Protected Residential, etc.) District;

Block "2" - Change from "JJ" (Residential Light Industrial, etc.) District to "C" (Urban Protected Residential, etc.) District;

The effect of the By-law is to permit development of the subject lands through a draft plan of subdivision for the purpose of constructing single-family dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

Casa Blanca Properties, Hamilton, Ontario.

SURVEYOR

Ashenhurst Nouwens Ltd., Hamilton, Ontario.

LOCATION

The lands comprising 2.4 ha, are located on the east side of Kenora Avenue south of Barton Street in the Kentley Neighbourhood being part of Lot 27, Concession 2, Township of Saltfleet, now in the City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
to the north	Townhouses and Light Industrial Use	"RT-20" (Townhouse - Maisonette) District and "JJ" (Residential Light Industrial) District
to the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Vacant lands partly in a draft approved subdivision for single-family dwellings	"JJ" (Restricted Light Industrial) District and "L-r" (Planned Development Low Density Residential) District being rezoned to "C" District
to the west	Townhouses	"DE" (Low Density Multiple Dwellings) District.

PROPOSAL

The owner proposes to subdivide the lands into 43 lots for single-family dwellings with 6 lots being serviced directly from Kenora Avenue and the remaining lots would be serviced from a new street connecting to Kenora Avenue and forming a double cul-de-sac. The minimum lot size proposed would have a width of 12 m and an area of 360 m² which meets the minimum requirements of the requested "C" District Zoning category.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Major Institutional" and "Residential". In that residential uses are permitted in areas designated "Major Institutional" provided they are compatible with the surrounding area, the proposal can be considered to comply.

Neighbourhood Plan - the lands are designated for "Civic and Institutional", "Residential - attached housing and "Industrial" uses therefore, the proposal does not comply. An amendment would be required to re-designate the lands for "Residential - single and double" uses.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "L-pn" (Planned Development, Public and Institutional) District and "JJ" (Restricted Light Industrial) District which do not permit the proposed use, therefore, an amendment to the Zoning By-law to rezone the lands to an appropriate residential category is required.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Natural Resources
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Canada
City of Hamilton Board of Education
City of Hamilton Traffic Department
City of Hamilton Building Department (subject to rezoning)

The Neighbourhood Section have recommended that a 4.5 m walkway is required to connect the easterly cul-de-sac with the proposed dead-end road to be established on the lands abutting the easterly limit of the subject lands.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) Court "A" and Court "B" should be established to a full width of 20 metres.
- 2) The transition into each cul-de-sac to be a radius of 9 metres with radii of 15 metres in Court "A" and Court "B" (see attached plan).
- 3) A daylight triangle of 2 metres by 2 metres be provided from the 20 metre limit of the road allowance on the south-west corner of Court "A" opposite Lot 19.
- 4) The applicant enter into subdivision agreements with both the City of Hamilton and the Regional Municipality of Hamilton-Wentworth prior to the development of any portions of these lands.
- 5) The submitted plan as prepared by Ashenhurst Nouwens Limited and dated February 17, 1987 is acceptable to the Departments of Transportation Services and Engineering, subject to the above noted comments and recommendations.
- 6) For the information of the applicant and Committee:
 - a) The proposed subdivision can be serviced for water and municipal sewers to the existing services on Kenora Avenue.
 - b) We do not expect to have any Regional service cost."

2. Zoning Application

The following have advised that they have no comment or objection:

City of Hamilton Building Department
City of Hamilton Traffic Department
Hamilton Region Conservation Authority

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

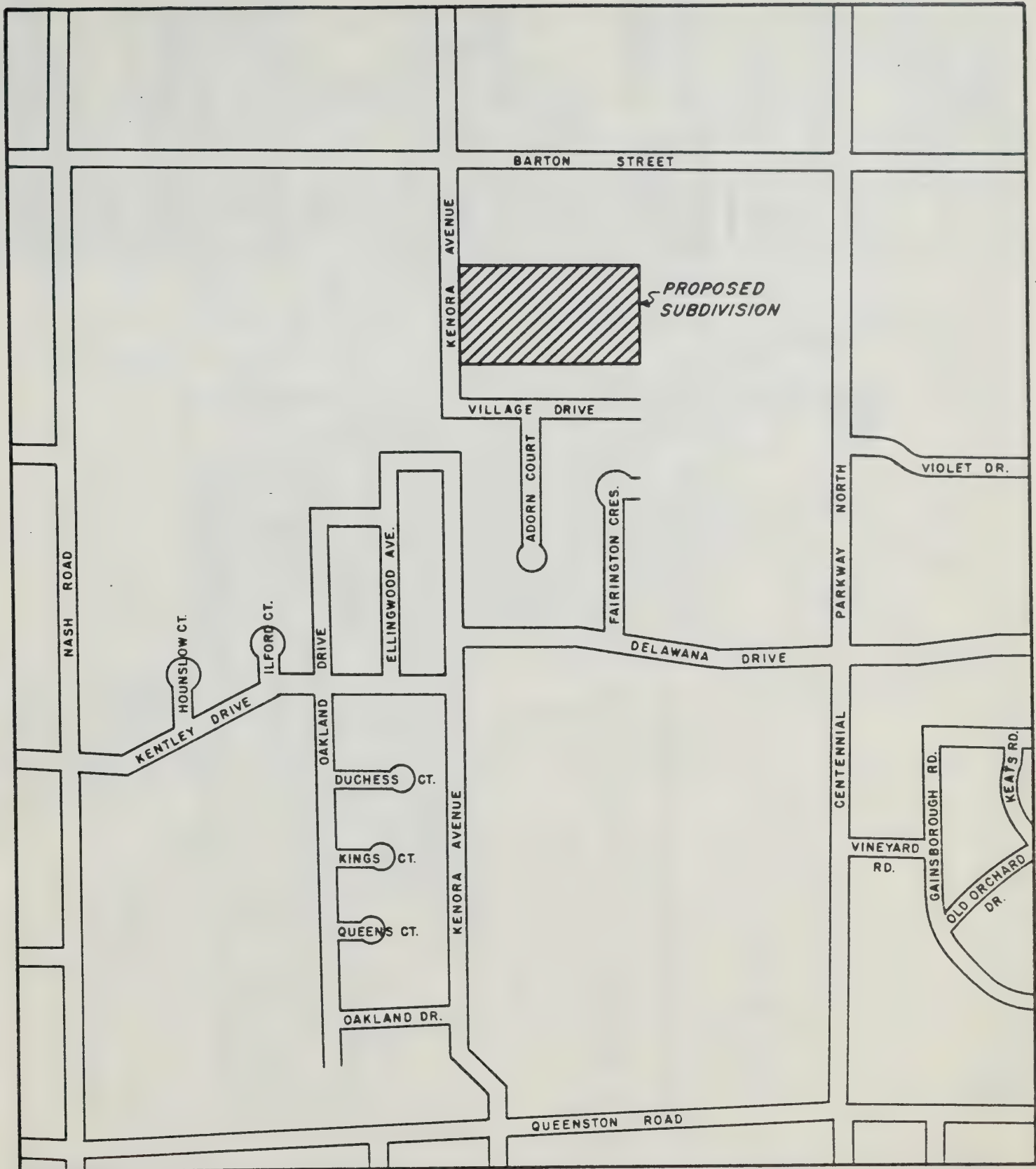
- "1) Please be advised that the watermains as well as separate storm and sanitary sewers are available to service the subject lands.
- 2) The existing road allowance width of Kenora Avenue is 20.12 m (66 feet), therefore, we do not anticipate any further road allowance widenings at this time.
- 3) We recommend that this application be subject to the submission of a suitable plan of subdivision.

- 4) The approval of this application and possible subsequent subdivision requires an amendment to the approved Kentley Neighbourhood Plan by the appropriate Committees and Councils."

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed amendments to the Zoning By-law to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for Zoning By-law and Neighbourhood Plan amendments is noted.
3. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
4. Considerable "red-line" revision to the proposed plan is required to implement the recommendations of the Department of Engineering in regard to the road widths and cul-de-sac bulb radii. The revised plan also includes a 4.5 m walkway to connect to the future road to the east, providing a direct pedestrian route to Centennial Parkway from the subdivision and the area to the west of Kenora Avenue.
5. Changes to the Neighbourhood Plan land use designations and road pattern will be implemented upon approval of the zoning application and the draft plan of subdivision by City Council.

CMD/11



LOCATION PLAN FOR

KENORA GARDENS

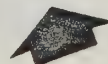
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

NOT TO SCALE

Date

MARCH 6, 1987

Reference File No.

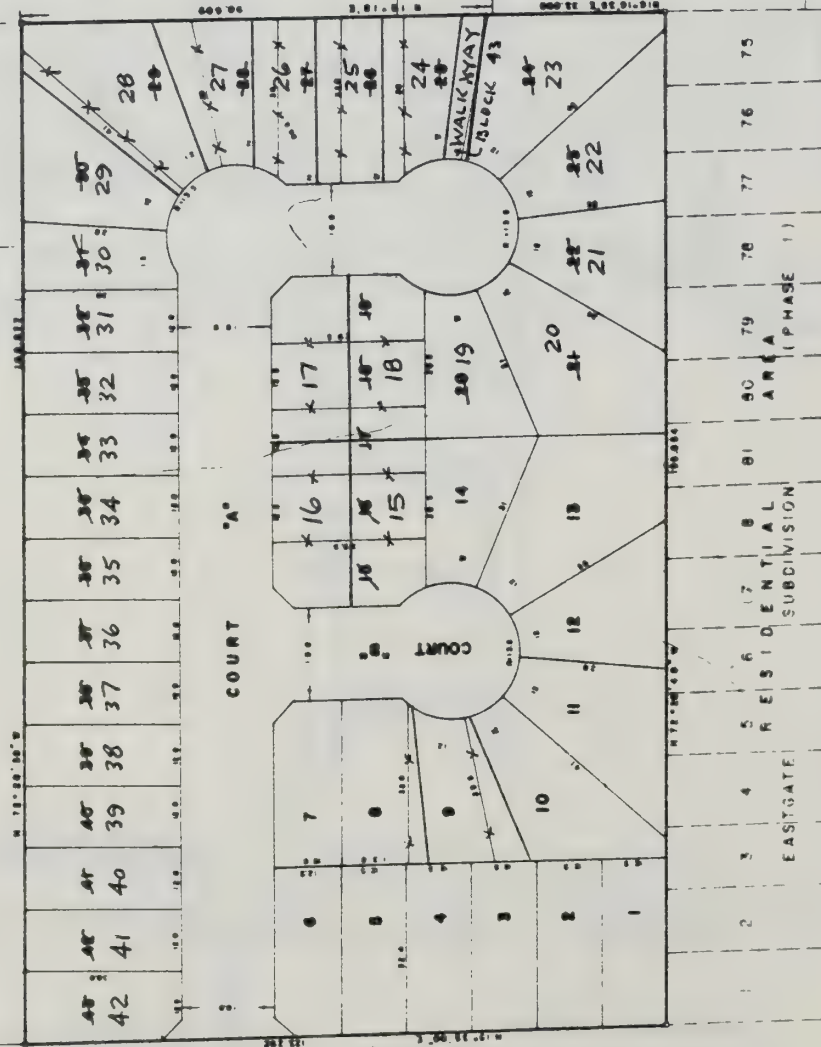
25T- 87003

Drawing No.

BARTON STREET EAST
EAST SIDE OF RAILROAD

WENTWORTH CONDOMINIUM PLAN NO 80

RESIDENTIAL AREA



REGISTERED PLAN M-163

VILLAGE DRIVE

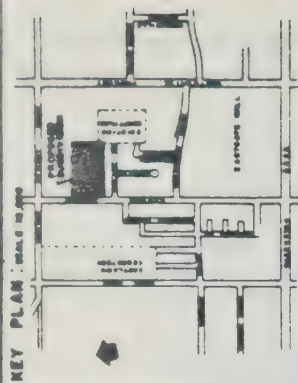
EASTGATE RESIDENTIAL SUBDIVISION (PHASE 1)

EXISTING DRAFT PLAN
EASTGATE HIGH (201-86009)

PART 1, PLAN SER. 1000

PART 1, PLAN SER. 0176

KEY PLAN: SCALE 1:100



METRIC NOTE:

DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE:

I, the undersigned, being the owner of the land shown on the plan, do hereby certify that the plan is a true and correct representation of the land shown on the plan, and that the land is not subject to any other claim or interest.

DATE: 14/07/2017

SIGNED: [Signature]

WENTWORTH CONDOMINIUM

SURVEYOR'S CERTIFICATE:

I, the undersigned, being a duly qualified surveyor, do hereby certify that the plan is a true and correct representation of the land shown on the plan, and that the land is not subject to any other claim or interest.

DATE: 14/07/2017

SIGNED: [Signature]

WENTWORTH CONDOMINIUM

SCHEDULE RE SECTION 90(1.8)

- 1. OPEN SPACE
- 2. OPEN SPACE
- 3. OPEN SPACE
- 4. OPEN SPACE
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- 42. OPEN SPACE

DEVELOPMENT OF
KENORA GARDENS
PART OF LOT 27, CONCESSION 2
TOWNSHIP OF SALT FLEET

CITY OF HAMILTON

SCALE: 1:100 (SEE PLAN)

DATE: 14/07/2017

SIGNED: [Signature]

WENTWORTH CONDOMINIUM

WENTWORTH CONDOMINIUM

WENTWORTH CONDOMINIUM

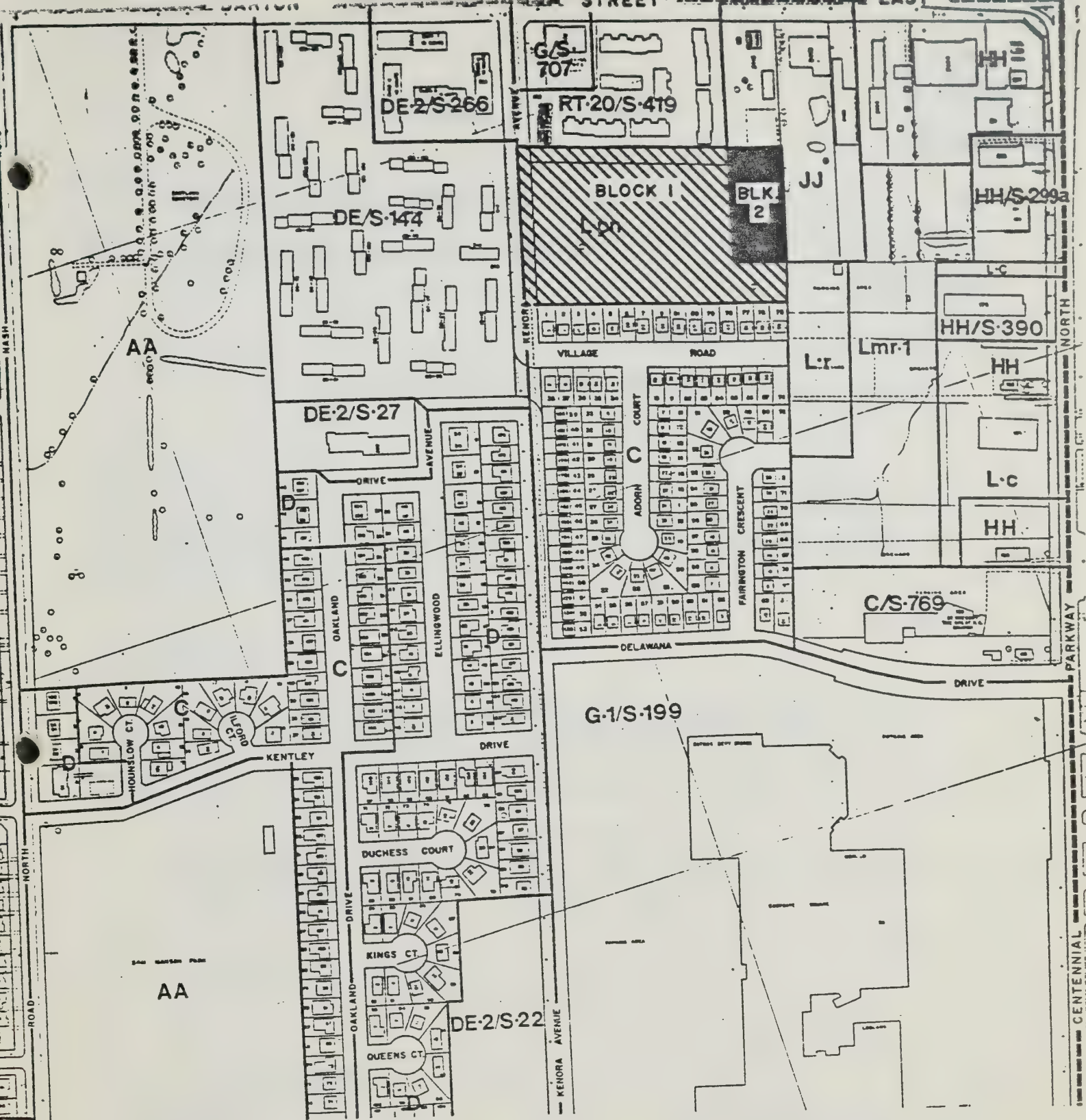
WENTWORTH CONDOMINIUM

WENTWORTH CONDOMINIUM

WENTWORTH CONDOMINIUM

WENTWORTH CONDOMINIUM

WENTWORTH CONDOMINIUM



LEGEND

BLOCK 1



CHANGE FROM "L-pn" (PLANNED DEVELOPMENT - PUBLIC AND INSTITUTIONAL) TO "C" (URBAN PROTECTED RESIDENTIAL) DISTRICT

BLOCK 2



CHANGE FROM "JJ" (RESTRICTED LIGHT INDUSTRIAL) TO "C" (URBAN PROTECTED RESIDENTIAL) DISTRICT.



ZA - 87-25

APPENDIX 'A'

F O R A C T I O N

15.

FROM Planning and Development Department

DATE _____

TO Planning and Development Committee

Refer To File No. ZA-87-39

THORNER
NEIGHBOURHOOD

Attention Of V.J. Abraham

NOTE: NOT FOR PUBLIC MEETING

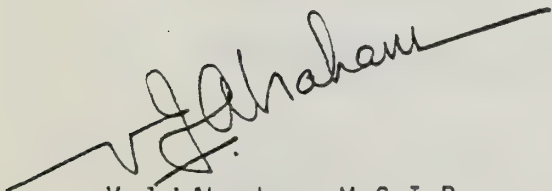
SUBJECT

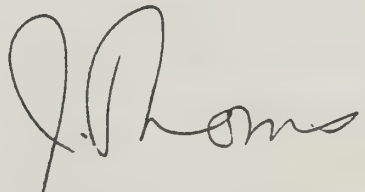
Request for a further modification to the "HH" (Restricted Community Shopping and Commercial) District for property located at No. 875 Upper Wentworth Street. The purpose of the proposed modification is to permit restaurant and tavern uses which are currently prohibited under the existing "HH" modified regulations.

RECOMMENDATION

That Zoning Application ZA-87-39, 570812 Ontario Ltd. (Eli Klein), owner, requesting a further modification of the "HH" (Restricted Community and Commercial) District to permit restaurant and tavern uses for the property located at No. 875 Upper Wentworth Street, as shown on the attached plan marked as APPENDIX "A", be denied for the following reasons:

- 1) The proposal is contrary to adopted Council Policy (i.e. O.P.A. 31 and By-Law Nos. 80-170, and 85-172) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands.
- 2) Approval of the application would set an undesirable precedent for future similar applications.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

570812 Ontario Ltd. (Eli Klein), owner.

LOT SIZE AND AREA

- o 31.2 m (102.5 feet) of lot frontage on Mall Road;
- o 135.32 (447 feet) of lot depth; and,
- o 4,200 m² (45,209.9 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	single family dwelling	"HH" (Restricted Community Shopping and Commercial) District

SURROUNDING LANDS

To the north	Burger King	"HH" (Restricted Community Shopping and Commercial, etc.) District
To the south	Fitness Center, Limeridge Mall	"G-2" (Regional Shopping Center) District
To the west	Single family	"HH" (Restricted Community Shopping and Commercial) District
To the east	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". In addition, these lands are located within Special Policy Area 33 on Schedule "B" which prohibits high traffic generating commercial and public uses such as restaurants and other places of assembly. Therefore, the proposal does not comply with the Official Plan. A site specific text amendment would be required to permit this use.

NEIGHBOURHOOD PLAN

The proposed site is designated "Commercial" in the approved Thorner Neighbourhood Plan. However, restaurants and taverns are prohibited under this specific commercial designation. As such, the proposal does not comply with the Plan.

BACKGROUND

o By-Law 80-170

On April 8, 1980, City Council passed a By-law prohibiting high traffic generating uses such as, restaurants, taverns, open air markets, etc. on the subject lands as well as properties to the north.

o By-law No. 85-172 (Implements O.P.A. 31)

On August 27, 1985, City Council passed Site Specific By-law No. 85-172, which modified the "HH" (Restricted Community Shopping and Commercial) District regulations to prohibit public uses (private club, lodge, etc.) and commercial uses (restaurants, tavern, bowling alley, theatre and other places of amusements, etc.) for the properties located on the east and west sides of Upper Wentworth Street, between Mohawk Road East and Limeridge Road East (rear lands included). Such uses are considered to be high traffic generators. By-law 85-172 received final approval from the Ontario Municipal Board January 8, 1986.

o Official Plan Amendment 31 (O.P.A. 31)

On August 27, 1985, City Council adopted O.P.A. 31 which prohibits high traffic generating commercial (restaurants and taverns, etc.) and public uses for certain lands located on the east and west side of Upper Wentworth Street, between Mohawk Road East and Limeridge Road East. Such uses were prohibited because of the potential high trip generation affecting traffic conditions on Upper Wentworth Street and Mall Road. The amendment was approved by the Ministry of Municipal Affairs on January 8, 1986.

COMMENTS RECEIVED

o The Hamilton Region Conservation Authority has no objection.

o The Building Department has advised that restaurant and tavern uses are prohibited by By-Law No. 85-172.

o The Hamilton-Wentworth Engineering Department has advised in part that:

"According to our records, the Region previously acquired the road widening adjacent to Upper Wentworth Street (Reference Plan 62R-5049). In addition, the applicant has also purchased excess lands for Mall Road from Ontario Land Corporation and has purchased the one foot reserve adjacent to Mall Road (Reference Plan 62R-8449)." (See attached Comments.)

o The Traffic Department has advised that:

"As indicated in previous comments regarding similar applications to modify the existing zoning to permit restaurant uses, the traffic generated by restaurant uses can be as much as seven times that which would be generated by the permitted uses. We are also concerned that approval of this application will set a precedent for future applicants for modifications to permit restaurants on a number of commercial properties on Upper Wentworth Street which would have a significant impact on traffic conditions during peak hours.

As a result of the above, we cannot support the proposed modification to the existing zoning."

COMMENTS

1. The proposal does not comply with the City of Hamilton Official Plan.
2. The proposal does not comply with the Approved Thorner Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
 - i) it is contrary to adopted Council Policy (i.e. O.P.A. 31 and By-law No. 80-170 and 85-172) which specifically prohibits high traffic generating uses such as restaurants and taverns from locating on, among others, the subject lands; and,
 - ii) approval of this application would set an undesirable precedent for future similar applications.
4. If the application is approved, a public meeting must be held to fulfill the Public Notification requirements set out in the Planning Act.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH:lm

W.P. DOC. NO. 0144P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

(416) 526-4170

PLANNING & DEVELOPMENT			
FILE NO. ZA-87-39		MAY 21 1987	
TO	STAFF	INT.	INFO.
DIP.			
PR & A			

ID#0008D (14)

May 19, 1987

DESIGN			
DEV.	JZ	Refer to File No.	
S&M		Attention of	
STAFF	JH	Your File No.	
CART.			
ADMIN			

E220-2001
T.L. Hearn
ZA-87-39

TO: V. J. Abraham, Planning Department
Att: J. Zipay

FROM: K. A. Brenner, Engineering Department

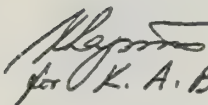
RE: Zoning Application ZA-87-39 for a
Modification to "HH" regulations for
property located at 875 Upper Wentworth Street

Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

According to our records, the Region previously acquired the road widening adjacent to Upper Wentworth Street (Reference Plan 62R-5049). In addition, the applicant has also purchased excess lands for Mall Road from Ontario Land Corporation and has purchased the one foot reserve adjacent to Mall Road (Reference Plan 62R-8449).

Any work within the respective road allowances, as widened, must conform to the respective Streets By-Laws.

It appears that the City of Hamilton Traffic Department will not support the opening of this zoning district to restaurants, fast foods, etc. based on traffic generation.


for K. A. Brenner

TLH:lj

FOR ACTION

16.

FROM Planning and Development Department

DATE May 20, 1981

TO Planning and Development Committee

Refer To File No. ZA-87-41

BRULEVILLE
NEIGHBOURHOOD

NOTE: NOT FOR PUBLIC MEETING.

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning for the property located at No. 864 Upper Wentworth Street on the following basis:

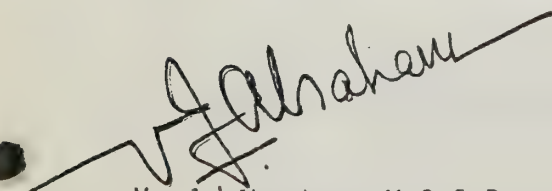
- Block "1" Change in zoning from "AA" (Agricultural) District to "E" Multiple Dwellings, Lodges and Clubs, etc.), District;
- Block "2" Change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District


The purpose of the proposed change in zoning is to permit the development of the subject lands for a 6 storey, 60 unit apartment building.

RECOMMENDATION

That Zoning Application 86-41, Joe Ng, prospective owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the development of the subject lands for a 6 storey, 60 unit apartment building, for the property located at No. 864 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) it is incompatible with the surrounding development including single family dwellings to the north and south and the proposed single family dwellings to the west.
- b) it is contrary to the established road pattern and land use designations in the approved Bruleville Neighbourhood Plan.
- c) approval of the application would set an undesirable precedent for future similar applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Joe Ng, prospective owner.

LOT SIZE AND AREA

- o 42.37 m (139 ft.) of lot frontage;
- o 76.4 m (251 ft.) of lot depth; and
- o 3,241.19 m² (34,889 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Vacant	"AA" (Agricultural District "C" (Urban Protected Residential, etc.) District
<u>Surrounding lands</u>		
To the north and south	Single family dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District
To the east	Vacant, Burger King, Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
To the west	Vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Policy C.7.2. states that:

"Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient space to maintain privacy, amenity and value."

Since the proposed apartment dwelling is not compatible with the surrounding single family dwellings, the proposal does not comply with the Official Plan. A site specific special policy area should be created to permit the proposal.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" housing in the approved Bruleville Neighbourhood Plan. In addition, the eastern portion of the applicant's property extends into the proposed roadway. Based on the above, the proposal does not comply with the neighbourhood plan. A redesignation from "Single and Double" housing to "Medium Density Apartments" is required to permit the proposal.

COMMENTS RECEIVED

- o The Building Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Traffic Department has advised that:
"The proposed rezoning is not in accordance with the approved neighbourhood plan in that it introduces a high density residential development into an area originally intended as Urban Protected Residential ("C" District). We would suggest that this type of intrusion seriously threatens the viability of continued development in accordance with the approved neighbourhood plan in the area. While we would be prepared to support the provision of higher density residential development on those properties adjacent to Upper Wentworth Street we cannot extend that support to properties intended to have frontage inside the neighbourhood."
- o The Hamilton-Wentworth Engineering Department has advised in part that:

(See attached comments).

COMMENTS

1. The proposal conflicts with the intent of the Official Plan.
2. The proposal cannot be supported for the following reasons:
 - a) it is incompatible with the surrounding residential character of the neighbourhood including the existing single family dwellings to the south and north and the proposed single family dwellings to the east.
 - b) it is contrary to the established road pattern and land use designation in the approved Bruleville Neighbourhood Plan.

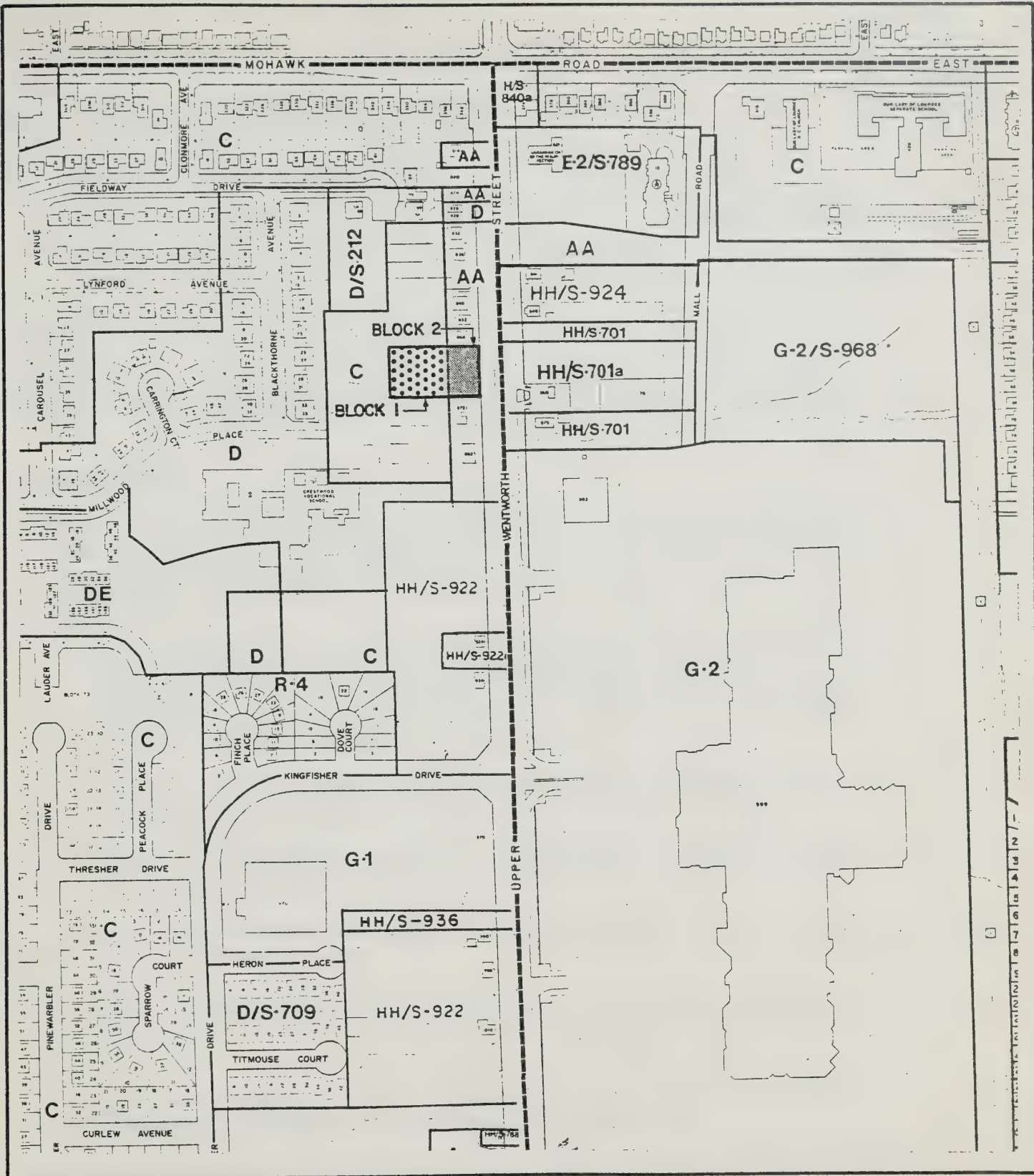
- c) it conflicts with the Official Plan.
 - d) an approval of the application would set an undesirable precedent for future similar applications.
3. If the application is to be approved, a public meeting will have to be held to satisfy the Public Notification Requirements set out in the Planning Act.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

J.H.:nd

W.P. DOC. 0519P



Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

CHANGE IN ZONING FROM:



"C" (URBAN PROTECTED RESIDENTIAL) DISTRICT



"AA" (AGRICULTURAL) DISTRICT

TO "E" (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.) DISTRICT

North



Scale

N.T.S

Reference File No.

ZA87-41

Date

MAY 1987

Drawing No.

F O R A C T I O N

17.

FROM: Planning and Development Department

DATE

TO: Planning and Development Committee

Refer to File No.

Rushdale Neighbourhood

Attention V. J. Abraham

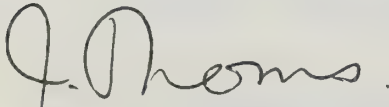
SUBJECT

Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87004, to establish 70 lots for single-family dwellings.

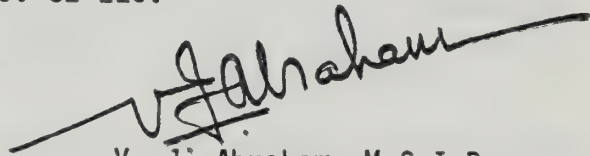
RECOMMENDATION

- a) That approval be given for application SA-87-07, E. & E. Rode owners, to establish a draft plan of subdivision at the north-easterly corner of Stone Church Road and Upper Wentworth Street subject to the following conditions:
1. That this approval apply to the plan prepared by S. W. Woods Inc., dated February 23, 1987, revised to show 69 lots, one block for development with adjacent lands, four blocks for 0.3 m reserves, two blocks for road widenings, one block as a walkway and a daylight triangle of 12.19 metres by 12.19 metres.
 2. That the road allowances be dedicated as public highways and the walkway be dedicated as a public walkway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and Regional Municipality of Hamilton-Wentworth.
 4. That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.
 5. That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the Plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.
 8. That the owners convey Block "72", "73" and Block "74" (0.3 m reserves) to the City of Hamilton.
 9. That any dead-ends of the road allowances created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and held by the City until required for the future extension of the road allowances or development of abutting lands.

10. That Block "77" the walkway be developed as an emergency access to the satisfaction of the Regional Engineer.
 11. That block 70 be developed only in conjunction with adjacent land.
 12. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 13. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-07), E. & E. Rode, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- c) That the Rushdale Neighbourhood Plan be amended accordingly.
- d) That the City Solicitor be requested to prepare a by-law for the approval of Council which would rescind Subsection 2(a), Section 2 of By-law No. 79-11 and Section 49 of By-law No. 82-220.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

E. & E. Rode, Stoney Creek, Ontario.
c/o Hamilton General Homes (1971) Ltd., Stoney Creek, Ontario.

AGENT

M. J. Lewis, Hamilton, Ontario.

SUREVEYOR

Sidney W. Woods Inc., Hamilton, Ontario.

LOCATION

The lands comprising 3.77 ha, are located at the north-easterly corner of Stone Church Road and Upper Wentworth Street in the Rushdale Neighbourhood, being part of lot 10, Concession 7, Township of Barton, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 70 lots, road widenings and 0.3 m reserves. The lots would be serviced from two cul-de-sacs which connect to an extension of Channing Drive which will be established by this plan. The minimum lot size proposed would have a width of 9.8 m and an area of 298 m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - Single and Double". The proposal complies with the exception the proposed cul-de-sacs and the walkway. An amendment to the neighbourhood plan is required.

Niagara Escarpment - the lands are not within "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "C" District (Urban Protected Residential etc.) and D/S 609 District (Urban Protected - One and Two - Family Dwellings, etc.). The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs
- Ministry of Transportation and Communications
- Ministry of the Environment (Subject to standard noise abatement conditions)
- Ministry of Natural Resources
- Ministry of Citizenship and Culture
- Niagara Escarpment Commission
- City of Hamilton Board of Education
- Hamilton Region Conservation Authority
- Ontario Hydro, Union Gas, Bell Canada
- City Traffic Department
- City Building Department

The Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

- 1) The designated road allowance width of Upper Wentworth Street is 36.58 metres, therefore, a road allowance widening sufficient to establish the property line 18.29 metres from the centreline of the original Upper Wentworth Street road allowance is required. According to Regional Transportation records the required widening is 8.23 metres.

The designated road allowance width of Stone Church Road is 30.48 metres, therefore, we require sufficient lands to establish the property line 15.24 metres from the centreline of the original Stone Church Road allowance. This road widening is 5.17 metres in width.

In addition, a 12.19 metre by 12.19 metre daylight triangle is required from the widened limits of Stone Church Road and Upper Wentworth Street with a 0.30 metre reserve. The reserve is to be conveyed to the Region.

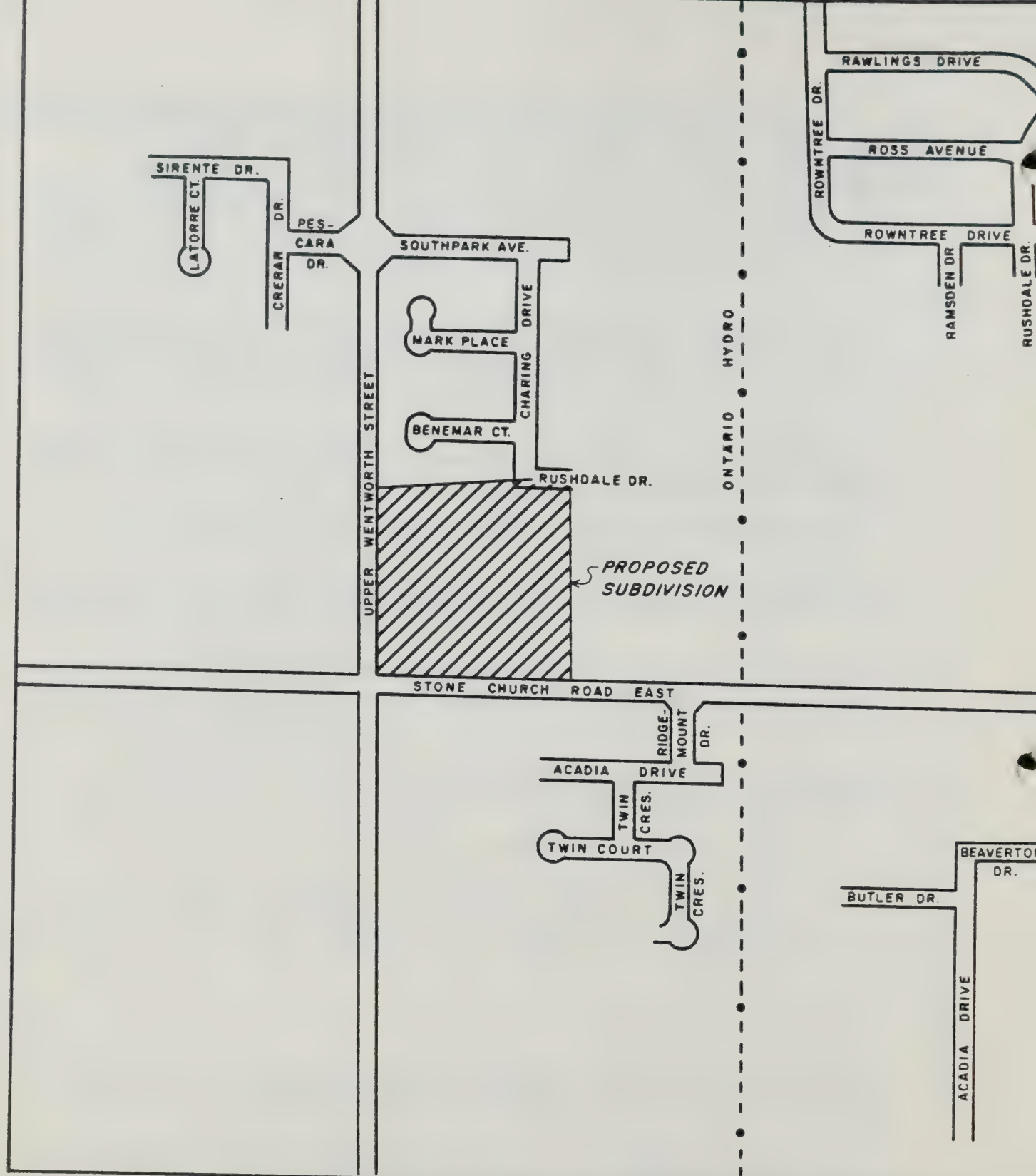
- 2) Court "A" and Court "B" are acceptable with a width of 18.0 metres.
- 3) The applicant enter into subdivision agreements with both the City of Hamilton and the Regional Municipality of Hamilton-Wentworth prior to the development of any portion of these lands.
- 4) The plan not be registered until Rushdale Drive, east of the proposed subdivision is registered or an arrangement has been made to extend the sewer to the subject subdivision.
- 5) For the information of the committee, all required services are available at the boundary or will be available if lands to the east are developed.
- 6) For your information, we do not expect any Regional service cost.
- 7) The submitted plan as prepared by Sidney W. Woods Inc. and dated February 23, 1987 is acceptable to the Department of Transportation Services and Engineering, subject to the above noted comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the neighbourhood plan is noted.
2. The Plan appears to conform with the Zoning By-law except that the requirement of lots fronting on Upper Wentworth Street and Stone Church Road, under Subsection 2(a), Section 2 of By-law No. 79-11 and Section 49 of By-law No. 82-220 should be rescinded since these requirements do no longer apply.
3. As no part of the subject lands is designated for "park and recreational" use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

4. The requirement of the Ministry of Environment can be implemented through the conditions of draft approval to be established by the Regional Municipality.

JLS/11



LOCATION PLAN FOR
HIGH RIDGE WEST

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
NOT TO SCALE

Date
87 - 03 - 04

Reference File No.
25T-87004

Drawing No.

UPPER WENTWORTH STREET ROAD ALLOWANCE BETWEEN LOTS 10 & 11

BLOCK A 74' (820 ROAD WIDENING)

PLAN 62P 4731

BLOCK 32

REGISTERED PLAN 62M-431

REG'D PLAN

CHARGING DRIVE

62M-409

RUSHDALE DRIVE

PART 1

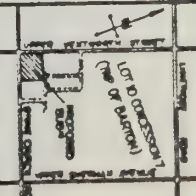
PLAN 62P 5007

PART 2

PLAN 62P 8567

- SYMBOLS - SEE SECTION 60(2)**
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KEY PLAN - SCALE 1:50,000



DRAFT PLAN OF HIGH RIDGE WEST

AND A PROPOSED SUBDIVISION OF PART OF LOT 10 - CONCESSION 7 IN THE TOWNSHIP OF DARTON

CITY OF HAMILTON

IN THE REGIONAL MUNICIPALITY OF HAMILTON - HAMILTON CITY

SCALE 1:500 - METRIC

STANDARD CERTIFICATE

OWNERS CERTIFICATE

THIS CERTIFICATE IS GIVEN BY THE CITY OF HAMILTON IN WITNESS WHEREOF THE CITY CLERK HAS HEREON SET HIS HAND AND SEAL OF OFFICE.

John R. Butler
CITY CLERK

SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS

Revised Plan 25T-87004 C-459A

The Corporation of the City of Hamilton

BY-LAW NO. 79 - 11

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE NORTH-EAST CORNER
OF STONE CHURCH ROAD AND UPPER WENTWORTH STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under The Planning Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-27C of the District Maps, appended to and forming part of By-law No. 6593, passed on the 25th day of July, 1950, is amended,

- (a) by changing from "AA" (Agricultural) district to "C" (Urban Protected Residential, etc.) district, the land comprised in Block 1; and
- (b) by changing from "AA" (Agricultural) district to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district, the land comprised in Blocks 2 and 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as schedule "A".

2. The "D" District provisions applicable to the land referred to in clause (b) of section 1 are amended to the extent only of the following variances as special requirements:

- 1. As to the "D" District provisions applicable to Blocks 2 and 3,
 - (a) clause (iii) of subsection 1 of section 10 of By-law No. 6593 shall not apply; and
 - (b) notwithstanding section 10(3)(ii) of By-law No. 6593, no side yard shall be required along one side of each lot, except that a minimum side yard of 4 feet shall be required for that side of the lot flanking a street; and

9.14m

- (c) notwithstanding section 10(4) of By-law No. 6593, a lot for a single family dwelling shall have a minimum width of 30 feet and a minimum area of 3,000 square feet; and

→ 278.7 m²

- (d) the land shall be subject to section 19C of By-law No. 6593.

2. As to the "D" District provisions applicable to Block 3,

- (a) notwithstanding section 2(2)J(xiii) of By-law No. 6593, front lot lines shall be located along the 20-foot private roadway; and

- (b) section 4(3)(b) of By-law No. 6593 requiring minimum street frontage shall not apply.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land referred to in clause (b) of section 1 be used, except in accordance with,

- (a) the "D" District provisions,

subject to the special requirements referred to in section 2.

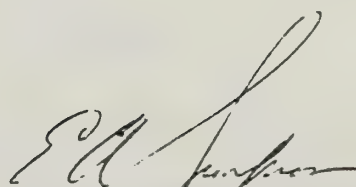
4. By-law No. 6593 is amended by adding this by-law to section 19B as "S-609".

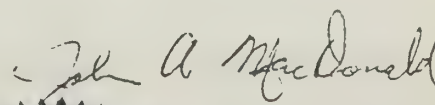
5. Sheet No. E-27C of the District Maps is amended by marking the lands referred to in section 1(b) of this by-law, "S-609".

6. The City Clerk is hereby authorized and directed to proceed as soon as possible with the giving of notice of the passing of this by-law, including a brief explanation of its purpose, and with the carrying out of all other directions of the Ontario Municipal Board relating to the giving of such notice.

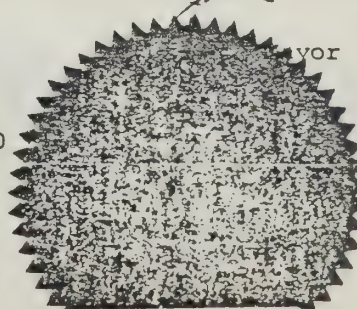
7. The City Solicitor is hereby authorized and directed to make application to the Ontario Municipal Board for the necessary approval of this by-law.

PASSED this 12th day of December 1978.


City Clerk


Mayor

(1978) 29 R.P.D.C. 1, October 10
Adisco Limited, Owner
ZA 77-75



SCHEDULE "A" TO BY-LAW NO.

PLAN

SHOWING

PART OF LOT 10 CONCESSION 7 - TOWNSHIP OF BARTON

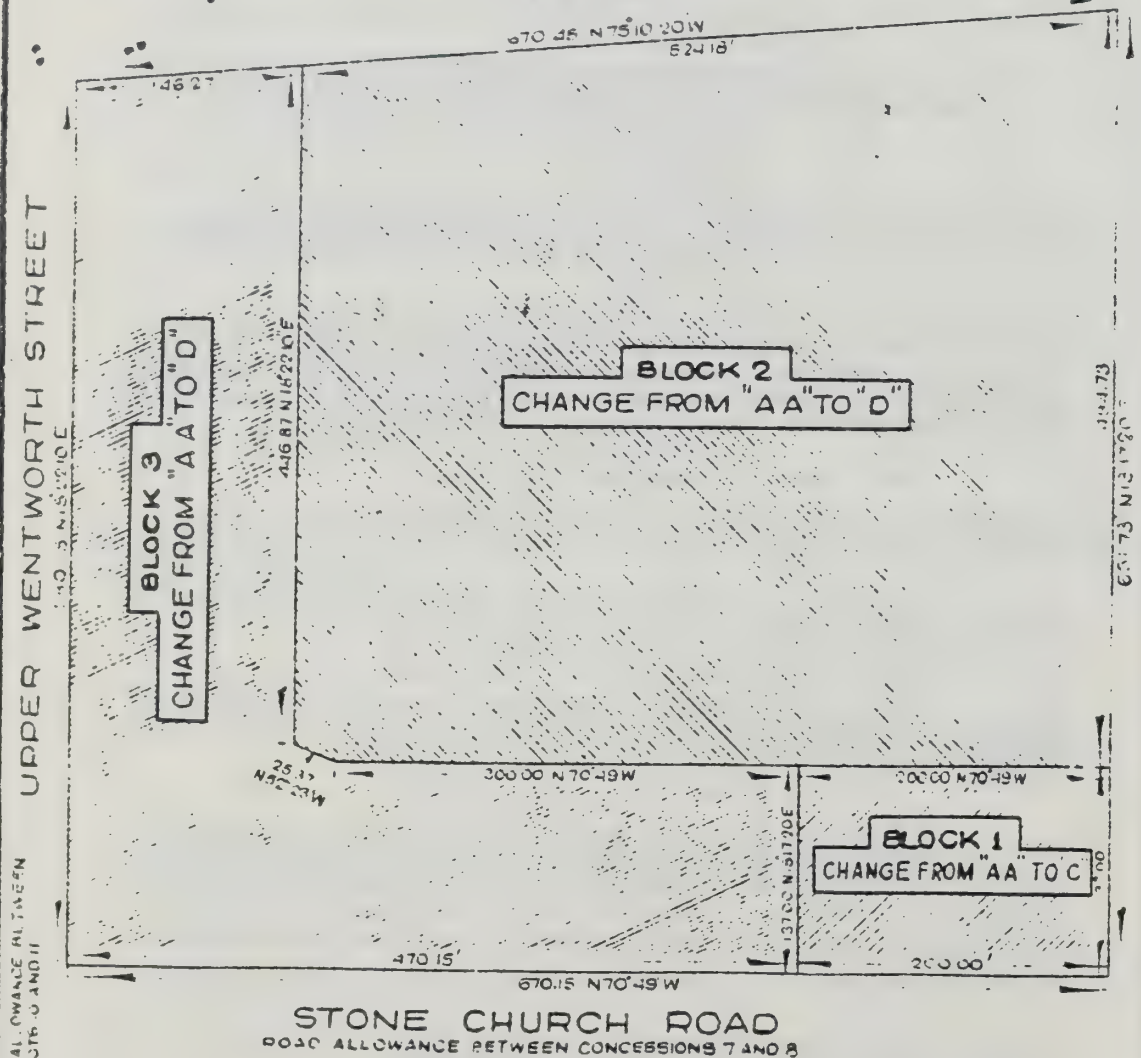
NOW IN THE

CITY OF HAMILTON

IN THE

PERSONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1"=100'



Mackay, Mackay & Peters Limited
 ONTARIO LAND SURVEYORS
 720 MAIN STREET EAST - HAMILTON - ONTARIO

Bill No. 10

This is Schedule "A" to By-law No. 79-11 passed the 12th day of December, 1978

[Signature]
 City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
 Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 82- 220

To Establish:

Site Plan Control

Respecting:

VARIOUS LANDS PREVIOUSLY SUBJECT TO DEVELOPMENT CONTROL,
AND OTHER LANDS

WHEREAS By-law No. 79-275, passed on the 25th day of September, 1979, under section 35a of The Planning Act, as re-enacted by The Planning Amendment Act, 1979, S.O. 1979, Chapter 59, section 1, (now section 40 of The Planning Act, R.S.O. 1980, Chapter 379), established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land herein-after referred to previously subject to Development Control, and other lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

. . . etc.

49. Land located at the north-east corner of Stone Church Road and Upper Wentworth Street rezoned by section 1(b) of By-law No. 79-11, passed on the 12th day of December, 1978 and approved by the Ontario Municipal Board on the 26th day of February, 1979, (File No. R 79674).

FOR ACTION

18.

FROM: Planning and Development Department

DATE

TO: Planning and Development Committee

Refer to File No

Eleanor Neighbourhood

Attention

V. J. Abraham

SUBJECT

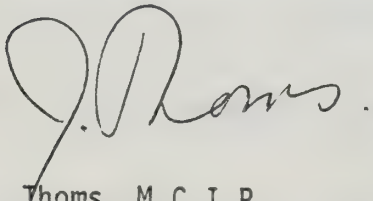
Application to the Region for approval of a draft plan of subdivision Regional File No. 25T-87002, City of Hamilton File No. SA-87-05, to establish lots for single-family dwellings.

RECOMMENDATION

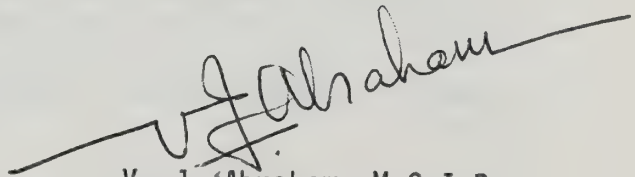
a) That approval be given for application SA-87-05, 660555 Ontario Limited, c/o Mr. M. Marawich, owner, to establish a draft plan of subdivision west of Upper Gage Avenue, north of Rymal Road and south of Stone Church Road subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated December 29, 1986 showing 74 lots, one block for development with adjacent land and one block for 0.3 m reserve.
2. That the owner acquire sufficient land to establish Elmore Drive and Presidio Drive to their full width.
3. That the road allowances be dedicated as public highways on the final plan.
4. That block 75 be developed only in conjunction with adjacent lands.
5. That block 76 and the dead-end and open side of the road allowances created by this plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and held by the City until required for the future extension of the road allowances or development of abutting lands.
6. That the streets be named to the satisfaction of the City of Hamilton and Regional Municipality of Hamilton-Wentworth.
7. That the proposed subdivision conform with the Zoning By-law approved under The Planning Act.
8. That the owner make a cash payment in lieu of the conveyance of 5% of the lands included in the Plan to the City of Hamilton for park purposes.
9. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

10. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.
 11. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
-
- b) That the Planning and Development Committee recommend to the Transport and Environment Committee that one-half of Presidio Drive adjacent to Lots 1 to 4 and 19 to 23 and 40 to 44, Elmore Drive adjacent to lots 59 to 67, and the extension of Northstar Drive from Elmore Drive to Upper Gage Avenue be opened up to a full width of 20 metres and 26 metres respectively.
 - c) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-05), 660555 Ontario Limited, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

660555 Ontario Limited, c/o Mr. M. Marawich, Hamilton, Ontario.

SURVEYOR

A. J. Clarke and Associates, Hamilton, Ontario.

LOCATION

The lands, comprising 4.833 ha, are located west of Upper Gage Avenue, north of Rymal Road and south of Stone Church Road in the Eleanor Neighbourhood, being part of lots 7 & 8, Concession 8, Township of Barton, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 74 lots for single-family dwellings and roads which will service the lots. The minimum lot size proposed would have a width of 12.0 m and an area of 385 m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as within the "Urban Policy Area" - "Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "C" District (Urban Protected Residential, etc.) and D/S 403A District (Urban Protected - One and Two-Family Dwellings, etc.) - the proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (Subject to standard noise abatement conditions)
Ministry of Natural Resources (Subject to erosion conditions)
Ministry of Citizenship and Culture (Subject to standard archaeological conditions)
Niagara Escarpment Commission
City of Hamilton Board of Education
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Canada
City Traffic Department (subject to lot line changes)
City Building Department

The Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

- 1) Carlou Court be established to a full width of 20 metres.

- 2) We recommend that the Planning and Development Committee recommend to the Transport and Environment Committee that one-half of Presidio Drive adjacent to Lots 1 to 4 and 19 to 23 and 40 to 44 and the extension of Northstar Drive from Elmore Drive to Upper Gage Avenue be opened up to a full width of 20 metres and 26 metres respectively. For your information, the servicing will be dealt with in the City of Hamilton and Region of Hamilton-Wentworth subdivision agreements.
- 3) The "S" type bend in Eaglewood Drive abutting Lot 56 is to be re-aligned for improved sight distance. (See attached plan).
- 4) The developer purchase the eastern portion of Elmore Drive to form part of this development and be opened up to a full width of 20.22 metres.
- 5) Reserves of 0.3 metres are to be established at the dead ends and open sides of the road allowances.
- 6) The developer is to enter into Subdivision Agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- 7) The submitted draft plan, as prepared by A. J. Clarke and Associates and dated January 22, 1987, is satisfactory to the Departments of Engineering and Transportation Services, subject to the above-referenced comments and recommendations.
- 8a) The proposed subdivision can be serviced from existing watermain on Eaglewood Drive, Enola Avenue and Elmore Drive.

The Region's share for providing services for future development is estimated to be \$150,000.

- 8b) The development of this subdivision will have to await the extension of municipal sewers from their present location about midway between Upper Ottawa Street and Upper Gage Avenue to the east limit of this subdivision at Northstar Drive.

The Ministry of Natural Resources submitted the following comments and recommendations:

The subject subdivision is intersected by Redhill Creek a warm water fisheries stream. It is a mandate of the Ministry to protect, enhance, maintain, and rehabilitate fish and wildlife communities and their environment in order to provide optimum cultural and economic benefits to society. The Ministry wishes to discourage development which may have a significant adverse effect of water quality and related fish habitat in a way that could reduce fishing opportunities.

The Ministry's main concern is that siltation caused by construction practices entering the channel will degrade the fishery.

The Ministry of Natural Resources has no objection to the above proposed subdivision provided that the following are included in the conditions of Draft Approval.

That the owners shall prior to initiating any grading or construction on the site:

- i) prepare a soils engineering report acceptable to the District Manager, Cambridge District, Ministry of Natural Resources, which will describe the means whereby erosion and it's effects will be controlled and minimized on and downslope from the site during and after the construction period.
- ii) provide certification from a professional engineer that the works described in the report referred to in i) above, have been completed.

COMMENTS

- 1. The conformity of the proposal with the Official Plan and the Zoning By-law is noted.
- 2. As no part of the subject lands is designated for "park and recreational" use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- 3. The requirement of the Ministry of the Environment, the Ministry of Natural Resources and the Ministry of Citizenship and Culture can be implemented through the conditions of draft approval to be established by the Regional Municipality.

JLS/11



James T. Paulding

47 Clarke O. L. S 1937

NOTE. THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

A	SHOWN ON PLAN	8	SHOWN ON PLAN
B	SHOWN ON PLAN	9	MUNICIPAL PARK
C	SHOWN ON PLAN	10	WATER MAINS
D	SEE LAND-USE SCHEDULE	11	WATER LOAM
E	SHOWN ON PLAN	12	SHOWN ON PLAN
F	SHOWN ON PLAN	13	MUNICIPAL SERVICES TO BE INSTALLED
G	SHOWN ON PLAN	14	ROAD

1, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBMITTED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

DATE JANUARY 22, 1987

BY W. B. [Signature]
A. C. [Signature]

WE, 80055 ONTARIO LIMITED
OF THE SUBJECT LANDS HEREBY AUTHORIZE J. J. CLARKE AND ASSOCIATES TO
PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF
HAMILTON-WESTWORTH FOR THEIR APPROVAL.

J. J. Clarke
J. J. CLARKE
10 MARAVICH
CLARKES

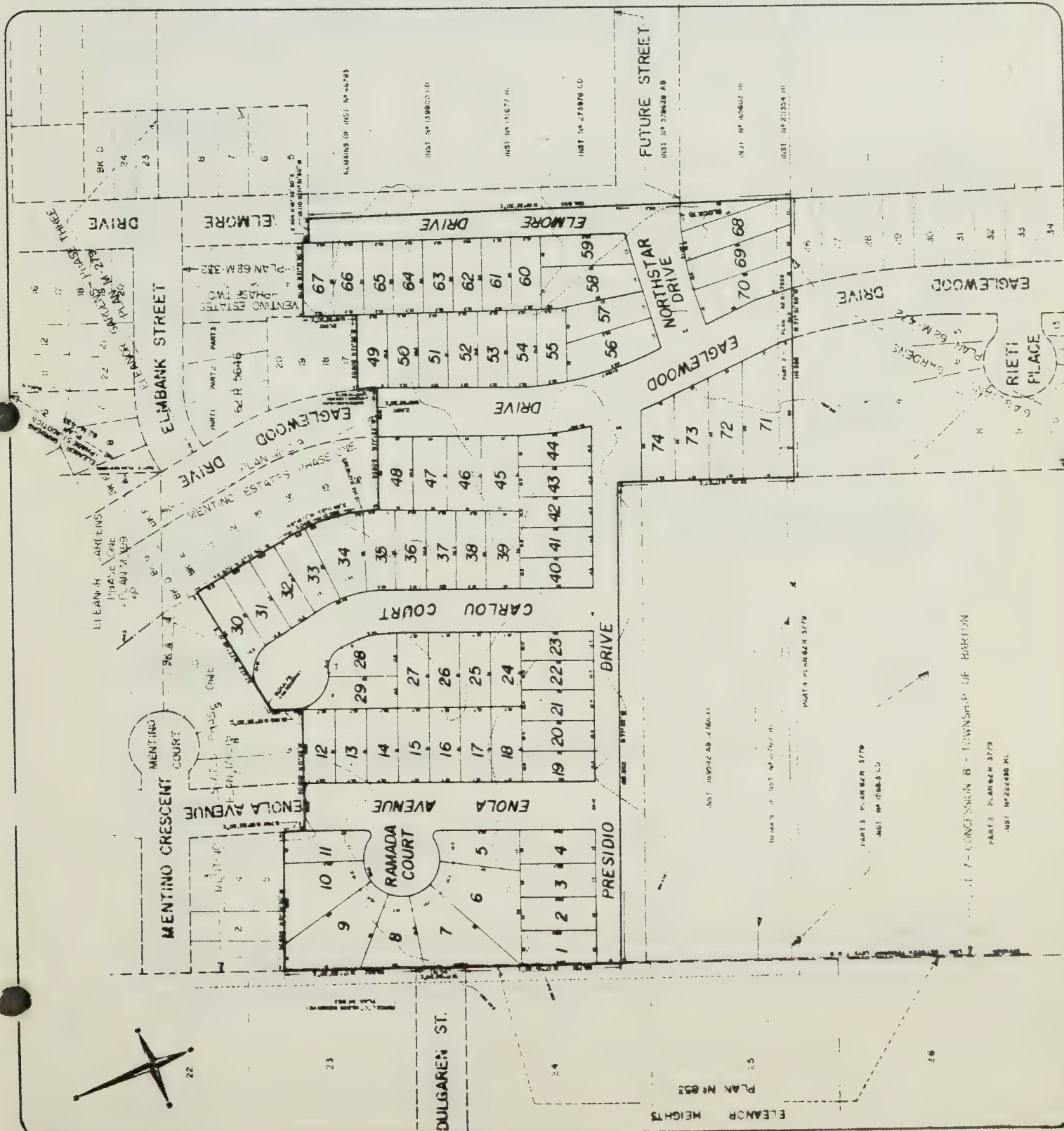
DECEMBER 29, 1986

TOTAL AREA OF SUBDIVISION = 4.822 AC IN 0-4-4 (2000)

NOTE: BEARINGS ARE LISTED IN DEGREES AND REFERENCE TO THE CONTINENTAL LIMIT OF ADJACENT DEPARTMENTS ON A COURSE OF N 71° 31' 00" W AS SHOWN ON PLAT 88 25-475.

A. J. Clarke & Associates

FROM ABOVE: 2. HAZEL RD & LINDEN LANE, HAZEL RD
RTE 125-100 JAIL STREET SOUTH - HAZEL RD - 100 JAIL



FOR ACTION

19.

FROM: Planning and Development Department

Refer to File

TO: Planning and Development Committee

Attention

V. J. Abraham

SUBJECT

Application to the Region for the approval of a plan of Condominium, Regional File No. 25CMD-87008, City of Hamilton, File No. SA-87-09 to construct 150 townhouse units.

RECOMMENDATION

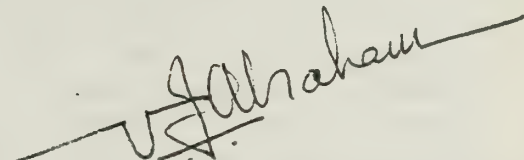
That approval be given to application SA-87-09 "Sandrina Gardens", DiCenzo Construction Company Limited, owner, to establish a draft plan of Condominium located on the south side of Rymal Road west and east of a proposed extension of Upper Gage Avenue subject to the following condition:

1. That this approval apply to the plan prepared by A. J. Clarke and Associates, Professional Engineers and Ontario Land Surveyors, dated March 11, 1987.

Respectfully submitted



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

DiCenzo Construction Company Limited, Hamilton, Ontario.

Surveyor

A. J. Clarke and Associates, Hamilton, Ontario.

Location

The lands comprising 3.9984 ha, are located on the southside of Rymal Road and east and west of a proposed extension of Upper Gage Avenue in the Broughton East and Broughton West Neighbourhoods respectively, in the City of Hamilton.

PROPOSAL

The owner proposes to construct 150 Townhouse Units in 22 Townhouse buildings.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are designated "Urban Policy Area" - "Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing".

Zoning - the lands are zoned to permit the proposed development and the proposal received Site Plan Approval on March 31, 1987 (DA-87-03).

COMMENTS FROM CIRCULATION

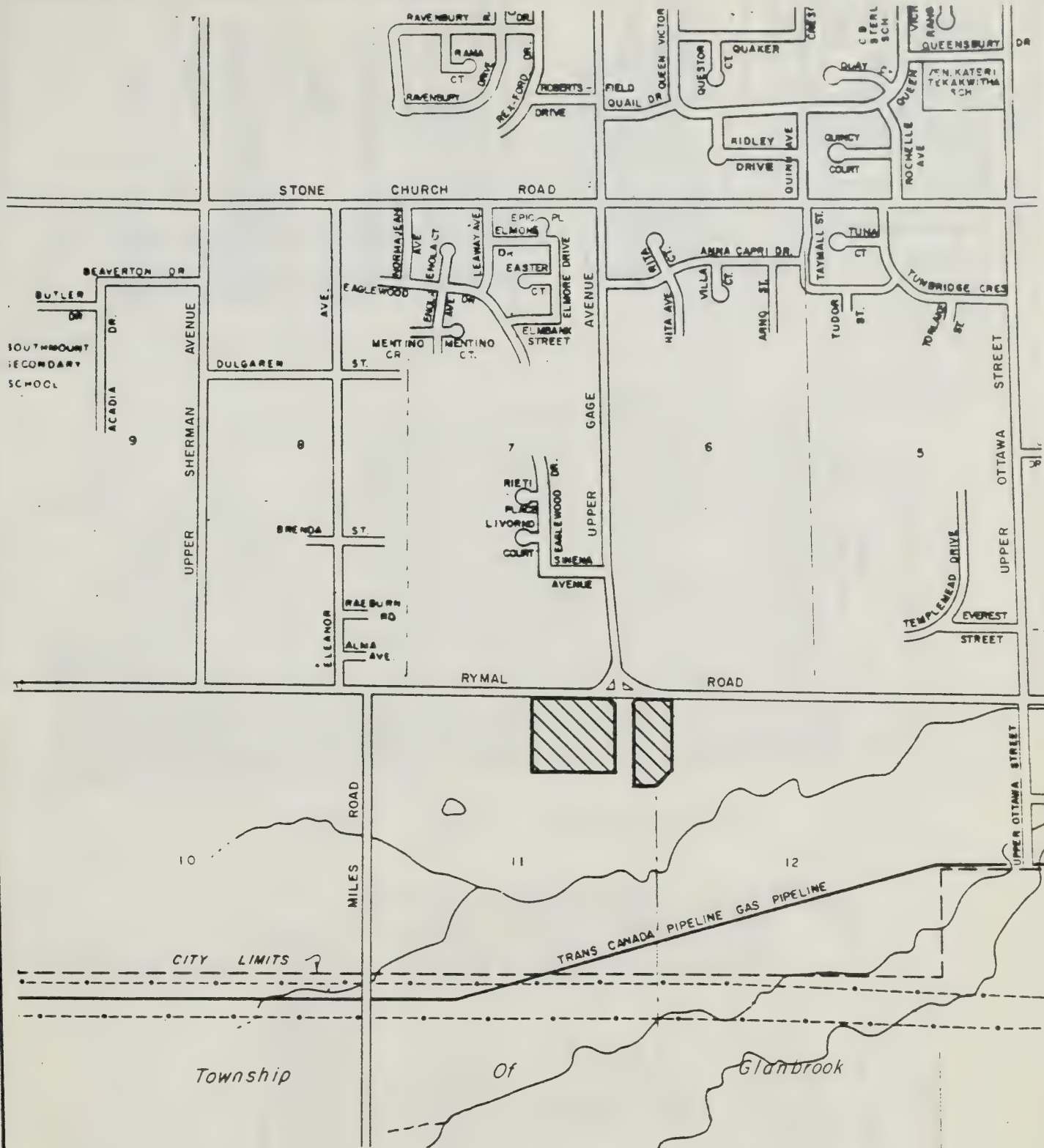
The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (subject to standard noise conditions)
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
City of Hamilton Board of Education
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Building Department (Subject to Site Plan)
City of Hamilton Traffic Department

There were no objections from circulated agencies in regard to this proposed condominium.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. The requirements of the Ministry of the Environment and a financial agreement with the Region can be implemented through the condition of draft approval by the Regional Municipality.



Location Plan For

SANDRINA PLACE CONDOMINIUM

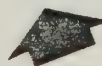
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

1" = 1000'

Date

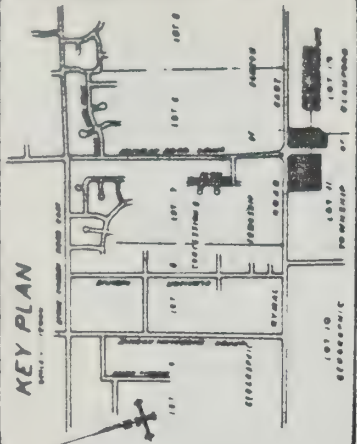
MARCH 31, 1987

Reference File No.

25CDM - 87008

Drawing No.

KEY PLAN



DRAFT PLAN OF SANDRINA PLACE CONDOMINIUM PART OF LOTS 11 AND 12 - CONCESSION 1 GEOGRAPHIC TOWNSHIP OF GLANFORD CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON ON M 51, 000 AS SHOWN ON P.L. 1987

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

INTENT: TO REVISION AND AMENDMENT

CONVEYANCE: TO REVISION AND AMENDMENT

DATE: 1/1/88

BY: [Signature]

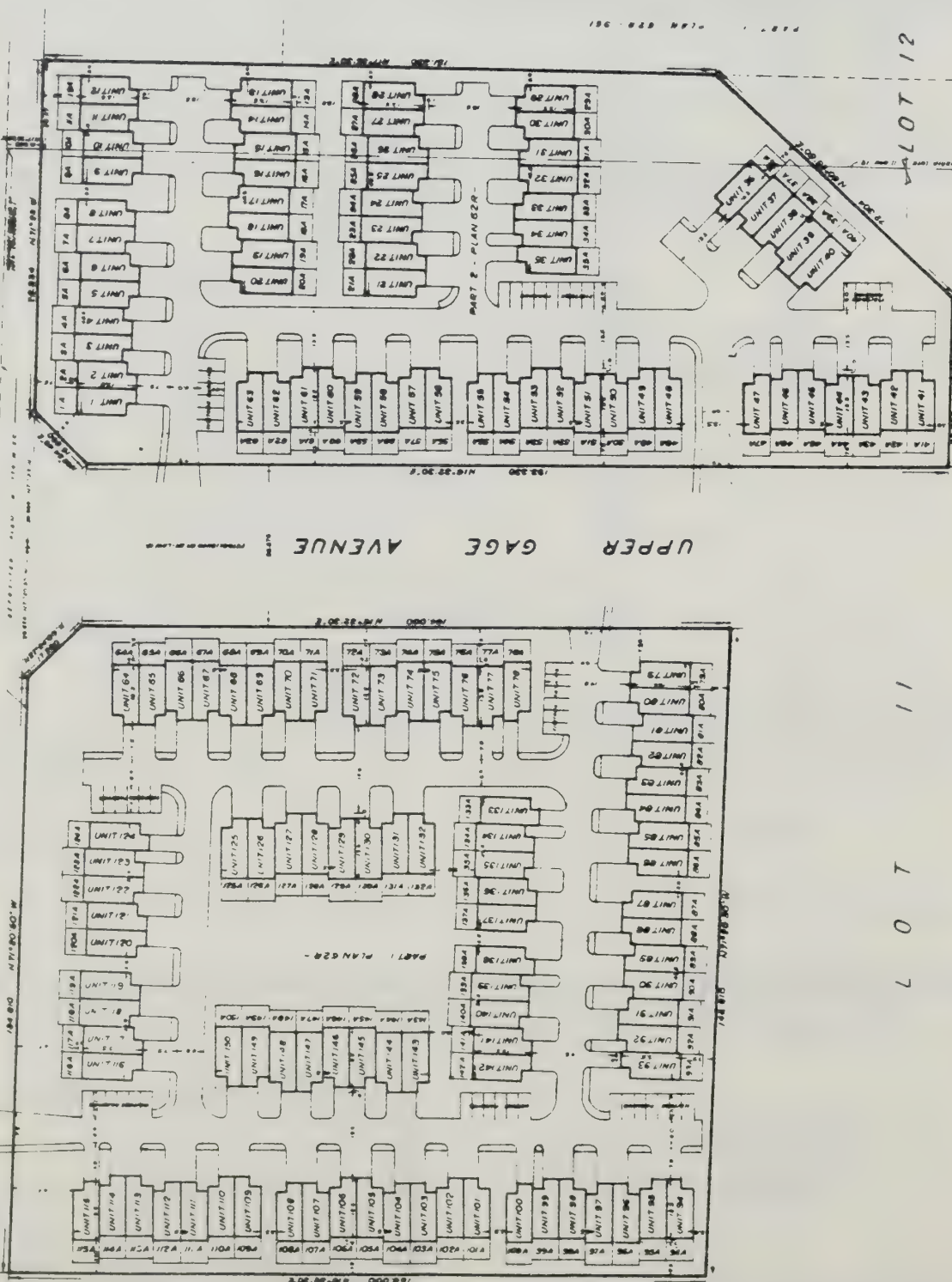
FOR: [Signature]

FOR: [Signature]

FOR: [Signature]

A. J. Clark & Associates
PROFESSIONAL ENGINEERS AND ARCHITECTS
HAMILTON
ONTARIO

RYMAL ROAD EAST
(FORMERLY THE KINER HIGHWAY N 53)



CONCESSION 1 - GEOGRAPHIC TOWNSHIP OF GLANFORD

FOR INFORMATION

20.

FROM Planning and Development Department

DATE June 4, 1987

TO Planning and Development Committee

Refer to File No. DA-86-75
DA-86-96
DA-87-21
DA-87-30

Attention Of V. J. Abraham

BACKGROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd
W.P. DOC. 0390P

F O R A C T I O N

FROM Planning and Development Department

DATE May 22, 1987

TO Planning and Development Committee

Refer to File No. DA-86-75
RYMAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

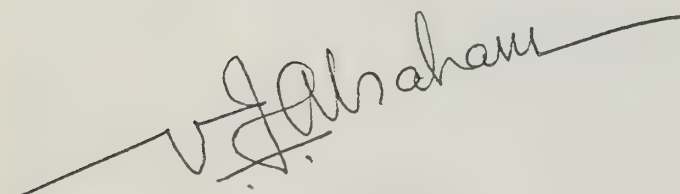
PROPOSAL

Plans have been submitted for a proposed commercial development at 1157 Rymal Road East. Two one-storey structures having a total gross floor area of approximately 847 m² (9120 sq.ft.) of retail area, a gas bar, 24 parking spaces and 2 loading spaces are proposed for the development.

RECOMMENDATION

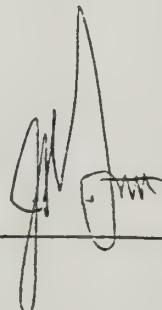
That approval be given to Site Plan Control Application DA-86-75 by Ashok Kumar, prospective owner, of lands at 1157 Rymal Road East for two one-storey commercial structures and a gas bar facility subject to the following:

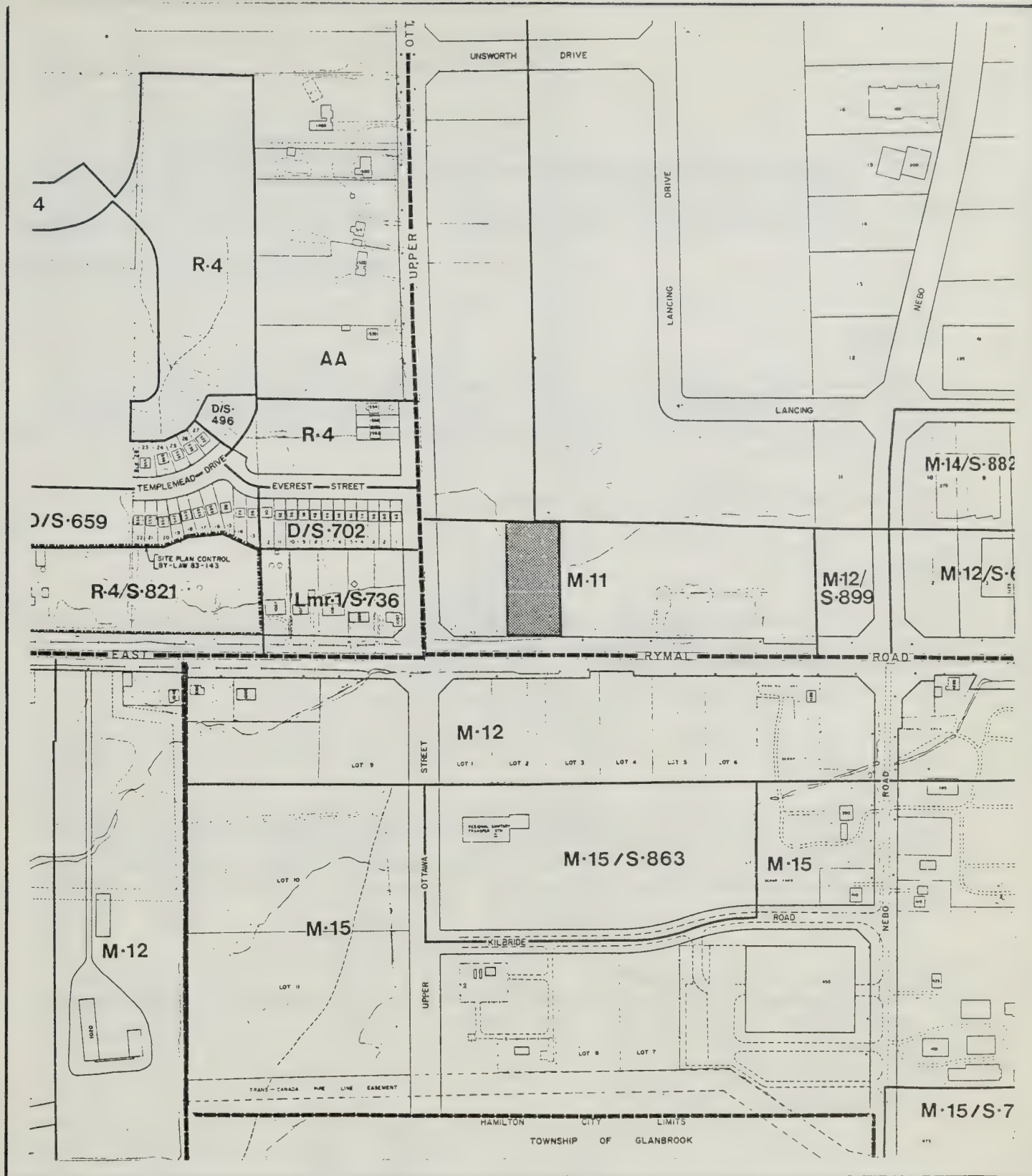
- 1) modification to the plans related to dimensions notes and relocation of the gas bar, pylon sign and driveway approach as marked in red on the plans; and,
- 2) submission of a revised grading plan and storm water retention area to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

 June 2/87.



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-86-75

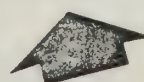
Regional Municipality of Hamilton-Wentworth.
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale

1:5,000

Date

SEPT, 1986

Reference File No.

DA-86-75

Drawing No.

86 - H - 195

F O R A C T I O N

FROM Planning and Development Department

DATE May 19, 1987

TO Planning and Development Committee

Refer to File No. DA-86-96

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to construct a storage building for steel to be constructed on lands at 50 Dartnall Road. The lands are presently used for a steel supply operation and is visually screened along the boundary line of the entire property.

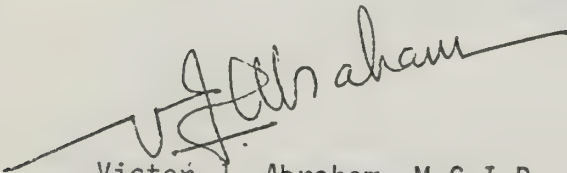
The new storage building is approximately 21.34 m x 24.38 m.

COMMENTS

Since the proposed structure and the existing use is presently totally screened along the property line and the new structure is considered a minor addition which will not affect the existing development, the proposal is satisfactory and should be exempt from Site Plan Control.

RECOMMENDATION

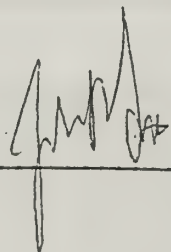
That approval be given to Site Plan Control Application DA-86-96 by Armour Steel Supply Limited, prospective owner, for construction of a storage building for steel supplies on lands at 50 Dartnall Road, and further, that the owner be exempted from signing the "undertaking" on the plans for the storage building.

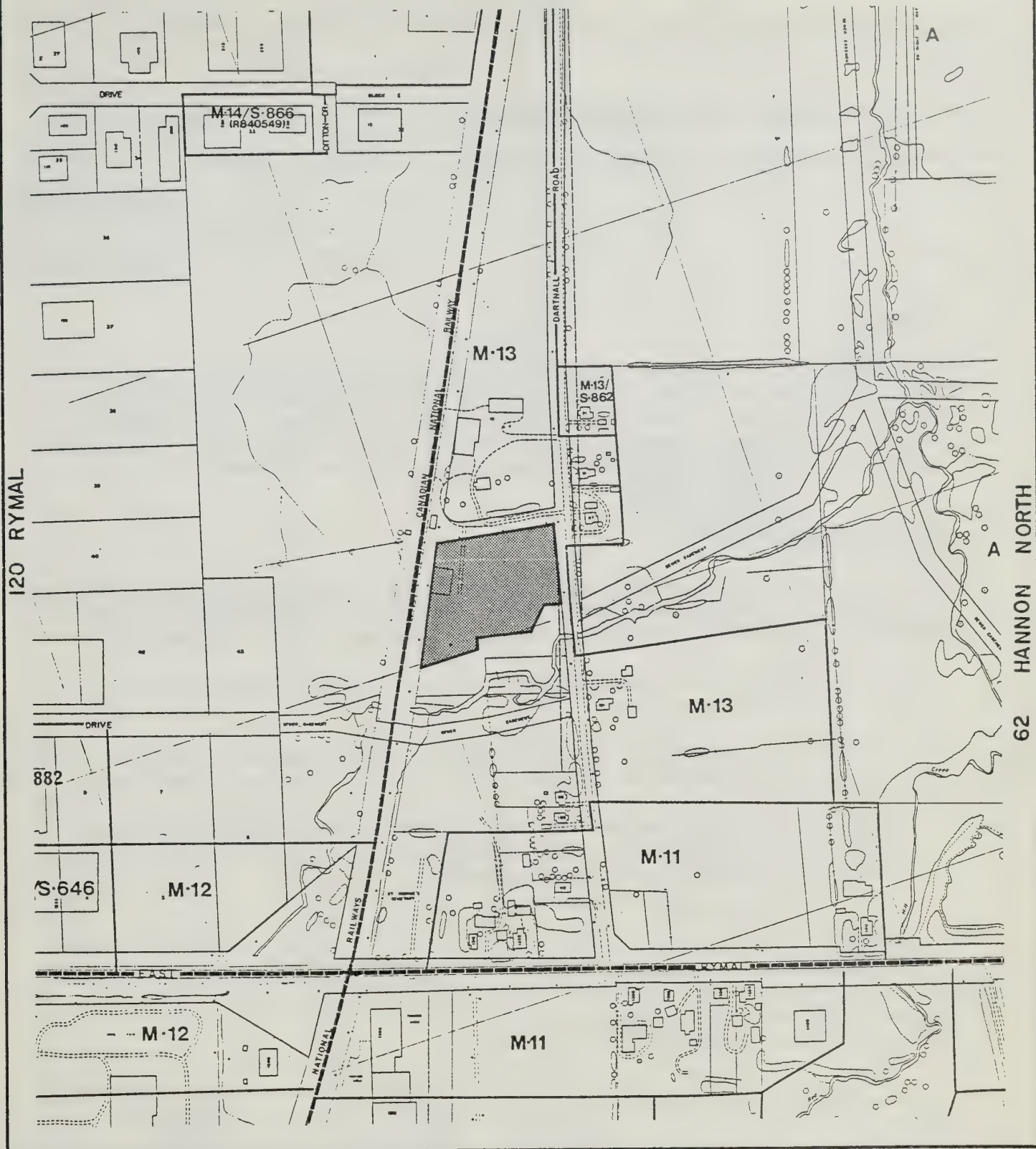

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

 May 29/87.



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-86-96

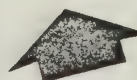
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5000

Date
Oct., 1986

Reference File No.
DA-86-96

Drawing No.
86-H-245

F O R A C T I O N

FROM Planning and Development Department

DATE May 21, 1987

T0 Planning and Development Committee

Refer to File No. DA-87-21
RYMAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for construction of an industrial building to be located on the east side of Nebo Road, south of Hempstead Drive. The one storey building will have a gross floor area of 926.5 m² (9,973.1 sq.ft.). A total of 26 parking spaces are provided on the west and north sides of the building and one loading space at the rear of the development.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-21 by Carlo and Tony Del Sordo, owners, of lands on the east side of Nebo Road, south of Hempstead Drive for an industrial building, subject to the following:

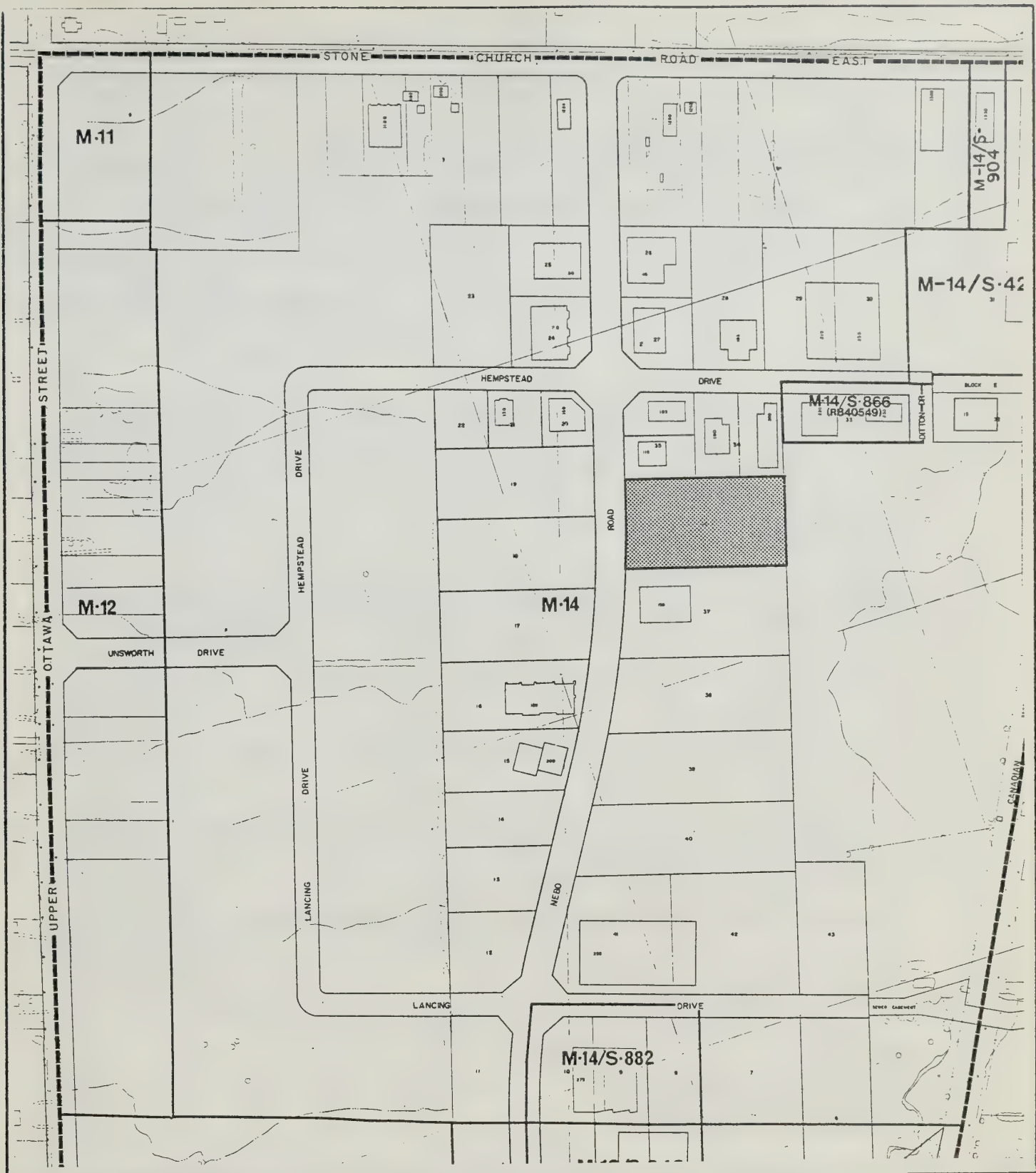
- a) modification to the plans related to dimension and notes as marked in red on the plans;
- b) modification to the plan to incorporate a note indicating that the use of the building must be in conformance with the By-law requirement; and,
- c) submission of calculations for the storm water retention ponds duly stamped by the engineer to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-21

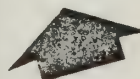
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
April, 1987

Reference File No.
DA-87-21

Drawing No.
87-H-25

F O R A C T I O N

FROM Planning and Development Department

DATE May 22, 1987

TO Planning and Development Committee

Refer to File No. DA-87-30
STINSON
NEIGHBOURHOOD

Attention Of V. J. Abraham

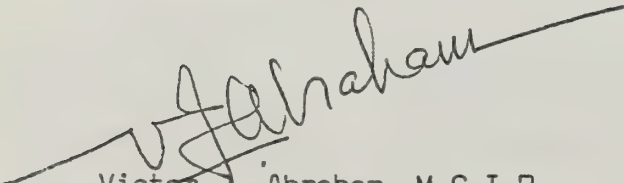
PROPOSAL

Plans have been submitted for an addition to an existing lodging home located at 90 Emerald Street South. The addition of approximately 222.96 m² (2400 sq.ft.) is to be constructed on the northern side of the existing building.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-30 by Milton Brown Enterprises Ltd., owners, of the property at 90 Emerald Street South, for an addition to the existing building subject to the following:

- 1) modification to the plans related to dimensions and notes as marked in red on the plan;
- 2) to permit 3 parking spaces instead of required 7 spaces on approval by the Committee of Adjustment;
- 3) submission of revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department prior to construction of the new parking area; and,
- 4) that the owner be exempted from signing the "undertaking" on the plans.

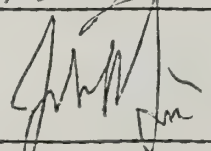
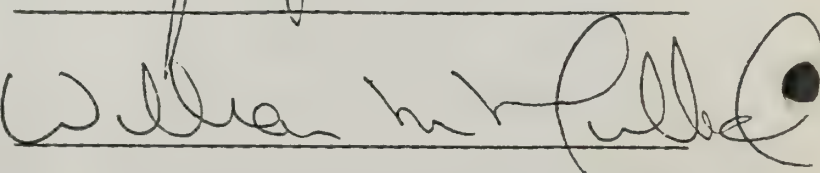

Victor J. Abraham, M.C.I.P.
Director of Local Planning

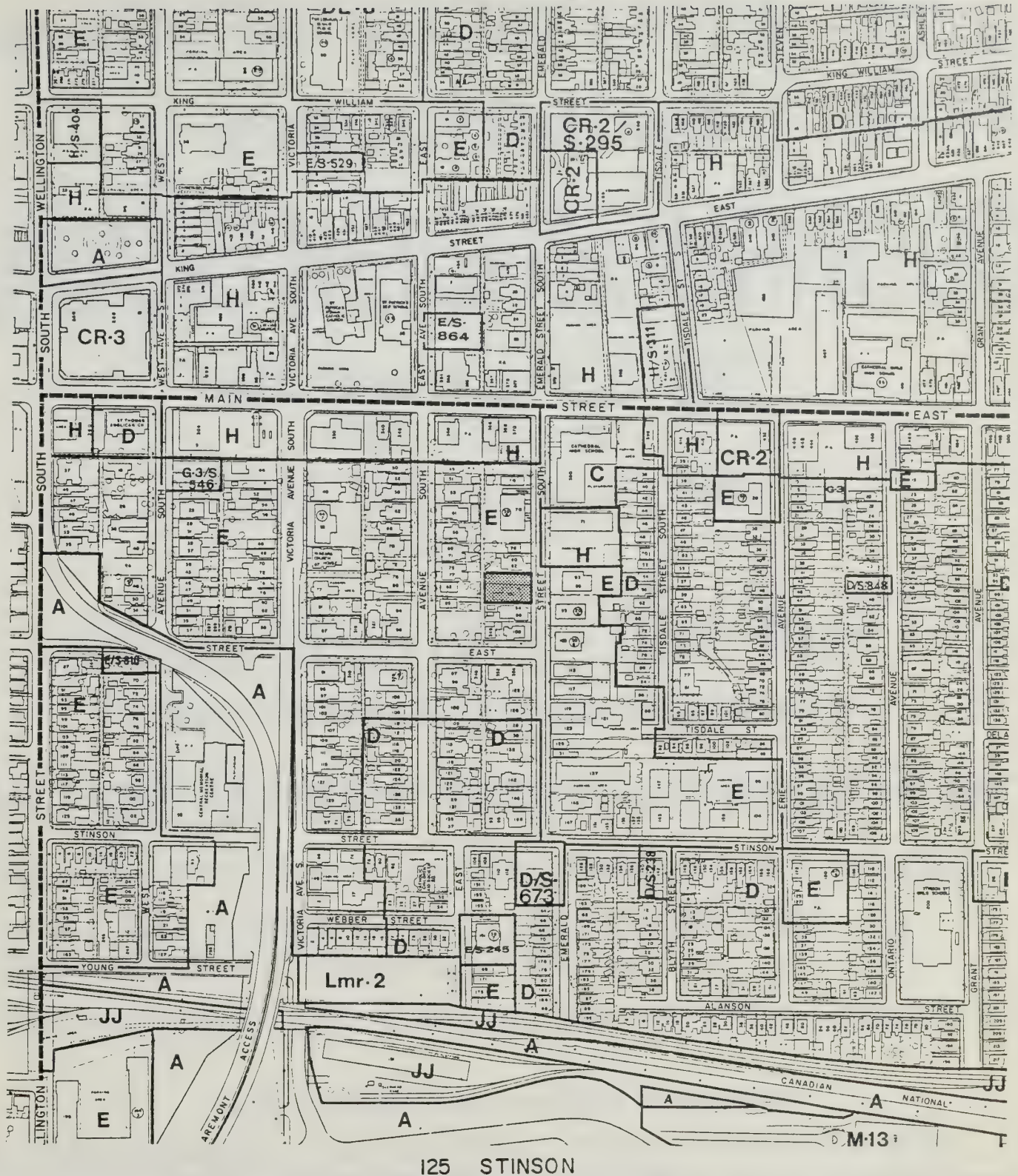
Approved On:

Alderman John Smith
Chairman

Alderman Bill McCulloch
Ward Alderman

VJA/JPS/KB/jd
W.P.DOC.0390P

May 25/87.





PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-30

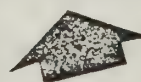
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-30

Drawing No.
87-H-35

21.

PUBLIC MEETING

DURAND NEIGHBOURHOOD

DATE: Monday, June 15, 1987

TIME: 7:30 p.m.

PLACE: Main Lobby, City Hall

(Second Floor)

Presentation of the Draft Plan

City staff will be available for questions and comments.

• The Draft Durand Neighbourhood Plan:

- was prepared by an Advisory Committee consisting of Durand residents;
- contains a land use plan, policies and recommended actions, to provide guidance for development in Durand;
- deals with land use, municipal services, urban design and public participation.

Copies of the Draft Plan are available for viewing at:

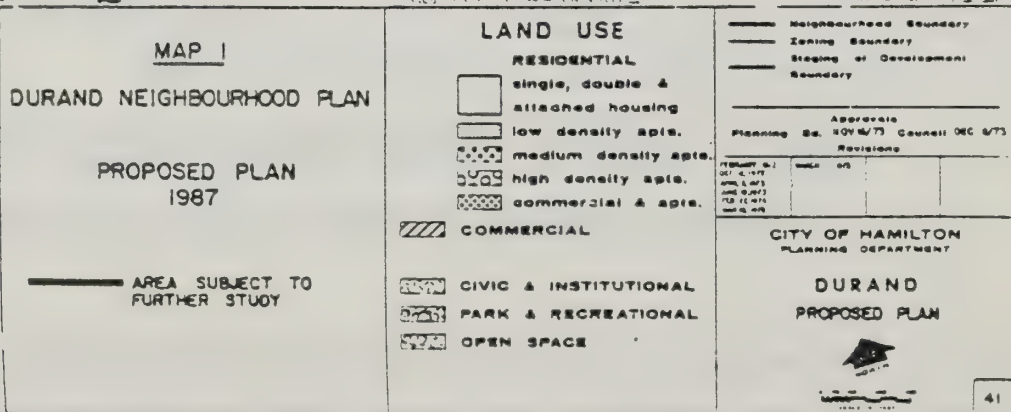
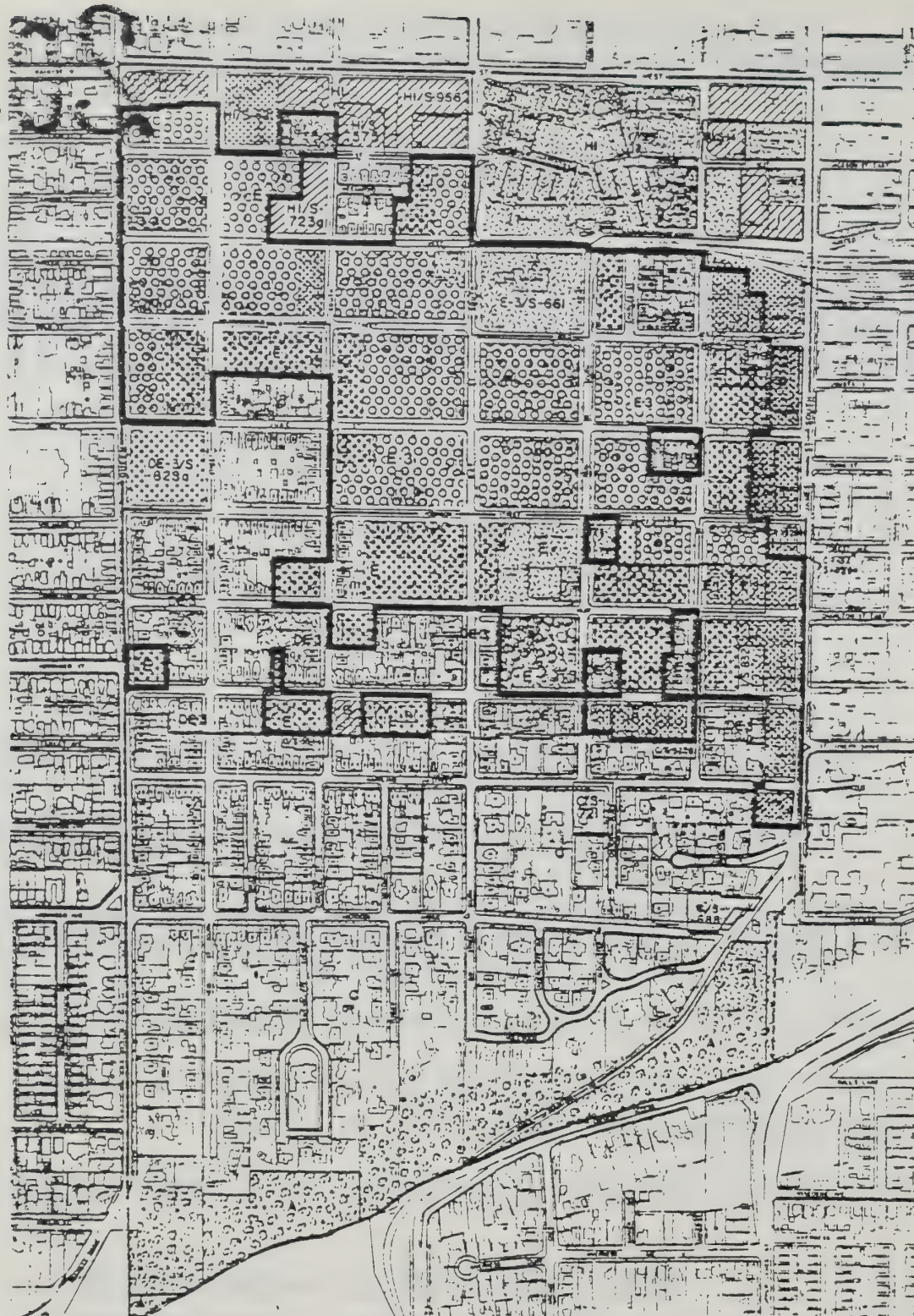
- the Planning and Development Department, 7th Floor, City Hall, from 9:00 a.m. to 5:00 p.m.
- the Urban/Municipal Collection, 2nd Floor, Hamilton Public Library

HELP SHAPE YOUR NEIGHBOURHOOD

We look forward to meeting you at City Hall.

For further information please contact Vanessa Grupe at 526-4160.

PLANNING AND DEVELOPMENT DEPARTMENT
City Hall, 71 Main Street West, Hamilton





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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK


1987 June 18

URBAN MUNICIPAL

CA4 ONHBL AOS
CSIP4
1987

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 June 24th
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

AGENDA

1. Minutes of the meeting held Wednesday, 1987 June 10. (copy to follow)
2. Building Department
 - (a) 14 Tisdale Avenue North (For Information)
 - (b) Staffing Requirements
3. Community Development
 - (a) The City of Hamilton Heritage Programmes
 - (b) Commercial Facade Loan Programme
4. City Solicitor
 - (a) Edward Allen vs. The Corporation of the City of Hamilton - City Appeal to the Court of Appeal - Judicial Review - By-law 84-35 - 81 Francis Street, Hamilton

3:00 o'clock p.m.
PUBLIC MEETING

5. Zoning Application ZA-87-50, T. G. and T. Malatesta, owners, for a change in zoning from "AA" to "R-4" for lands on the west side of Rochelle Avenue, between Stone Church Road East and Quincy Court; Quinndale Neighbourhood.
Public Meeting - 3:00 p.m.
6. City Initiative CI-87-E, Wear's Florist, owner, for a modification to the "HH" District regulations for property at No. 1814 King Street East; Bartonville Neighbourhood.
Public Meeting - 3:00 p.m.
7. Subdivision Application SA-79-09, Todoc Construction Limited, owner of lands on the south side of Rymal Road, in the area east of Upper Gage Avenue; Broughton East Neighbourhood.
8. Condominium Application SA-85-17, Mrs. Constance Adam, owner, to convert 4 existing dwelling units on the south westerly side of Charlton Avenue West and MacNab Street South; Durand Neighbourhood.
(Report to follow)
9. Site Plan Control Application Approval (For Information)
10. Proposed Plan for Mewburn Neighbourhood (P5-2-101)
Public Meeting - 3:30 p.m.
11. James Street North Study (P5-8-4-2).
Public Meeting - 4:30 p.m.
12. Notice of Public Meeting - Day Nurseries (For Information)

8:00 p.m.

13. Zoning Application ZA-87-31, Jubilee Consultants Services, prospective owner, for a change in zoning from "D" to "RT-10" and a modification to the existing "RT-10" District regulations for property at No. 613 Stone Church Road East; Rushdale Neighbourhood.
Meeting - 8:00 p.m.

2a.

FOR INFORMATION

FROM Mr. Paul Kuppe, Building Commissioner **DATE** June 15th, 1987
TO Planning and Development Committee **Refer To File No.** _____
Attention Of Brian D. Allick **Your File No.** _____

SUBJECT

14 Tisdale Avenue North, Hamilton

BACKGROUND

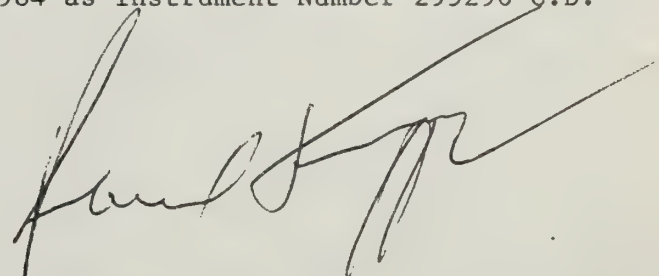
Further to the decision of City Council at its meeting held February 10th, 1987, at which they tabled the recommendation of the Planning and Development Committee respecting demolition of the above property.

Be advised that the taxes which were in arrears for 1985, 1986, and 1987 have been paid in the amount of \$1,569.00.

Be advised further that a building permit was issued for interior alterations and repairs to the existing single family dwelling on May 29th, 1987.

We have received a sworn undertaking from the owner Mr. Angelo Albano, that the work described in the building permit, which is "that the building will be made into a Class "A" dwelling," will be completed by October 31st, 1987.

It is felt that these actions will satisfy the requirements of the Order dated July 9th, 1984 issued pursuant to Section 31(7) of The Planning Act and registered in the Land Registry Office on October 15th, 1984 as Instrument Number 295296 C.D.



JUN 16 1987

2b

F O R A C T I O N

FROM Paul Kuppe, P.Eng.
Building Commissioner DATE June 18, 1987

TO Planning & Development Refer to File No. _____

 Attention Of _____

 Your File No. _____

SUBJECT

Staffing in the Building Department

RECOMMENDATION

That the present staff level of the Building Department be increased by:

Four Building Inspectors
Four Zoning Examiners and Code Correlators
Four Stenographer III's

and further

One Steno II position be reclassified to a Steno I
One Building Engineer be reclassified to a Chief
Building Engineer.

The budget of the Building Department be increased by \$284,000.
effective immediately.

The Finance Committee should be requested to recommend the method
of financing.

The Building Department's 1987 revenue estimates are hereby
increased by \$300,000.

BACKGROUND

1. Zoning Verifications

The Department is experiencing a backlog in the issuance of zoning
verifications. As of the end of May, the Department had already
issued \$74,000 worth of zoning verifications, whereas we had
anticipated total revenues of \$83,000.

Continued...2

Manpower has been taken from Plan Examination to relieve the pressure which has led to delays in the issuance of building permits as per Item 3 below.

The Department has also established a policy whereby we only deal with telephone inquiries regarding zoning between the hours of 11:00 a.m. to 12:00 noon and 4:00 p.m. to 5:00 p.m. This has been done in order to make more efficient use of the Zoning Examiner's time. This is a decrease in service to the public which has in itself generated a number of complaints.

2. Property Reports

There is also a backlog in the issuance of property reports. As of the end of May, the Department has issued \$106,000 worth of property reports whereas the Department had projected total revenues of \$115,000.

3. Building Permits

We are also experiencing an unacceptable backlog in the issuance of building permits. The above problems have taken place due to the tremendous increase in activity generated in the private sector. The Department, in response to the demand, has placed Zoning Examiners, House Plan Examiners, Building Inspectors, and other related clerical staff on overtime to accommodate the workloads. The delays, however, have continued to grow.

Within the Department, there are problems in other areas. A backlog is developing in the filing which is starting to have an adverse impact on the efficiency of the Department. It will effect issuance of building permits, property reports, and zoning verifications.

To accommodate the above increased workloads, four additional Stenographer III's will be required as well as four Zoning Examiners and Code Correlators. Changes in responsibilities have been, and will be necessary, to allow the continued efficient operation of the Department. For these reasons, we are recommending that one Building Engineer position be reclassified to Chief Building Engineer. Also, one Stenographer II position should be reclassified to a Stenographer I position.

The tremendous increase in construction activity has meant that the Building Inspector's time has to be dedicated to new construction. The Department has been making every effort to carry out required inspections, however, the service is suffering. Response time to complaints regarding Property Standards or Zoning have had to take a backseat to our responsibilities respecting new construction.

In order to accommodate the increased activity in construction and to provide the service in other areas which is expected of us, we are recommending that four additional Building Inspectors be hired.

Budget

Inspections

Wages and Benefits	\$ 16,000.00
Vehicles (Purchase Price)	8,000.00
Car Rental (\$87.73/week)	- 2,280.98
Safety Equipment	200.00

TOTAL PER INSPECTOR	\$ 26,480.98
Total Cost for Staff (four Inspectors)	105,923.92
Accommodation (for four Inspectors) i.e. furnishings, etc.	8,000.00
TOTAL COST OF #1 PACKAGE	<u>\$113,923.92</u>

Budget

Zoning, Property Reports, Plan Examination

Based on the requirements as discussed in the proposals, the total cost to provide this package for six months is as follows:

Stenographer III's (6 months)	4 @ \$11,438	\$ 45,752
Zoning & Code Correlators (6 months)	4 @ \$19,495	77,980
Chief Engineer - 10% increase in salary (6 months)	-	2,350
Stenographer II to Stenographer I (Reclassification)	-	<u>790</u>
	TOTAL SALARIES	<u>\$126,872</u>
Other Costs - 8 work stations @ \$2,000 each		\$ 16,000
- 2 typewriters @ \$1,000 each		2,000
- 1 word processing printer/ work station @ \$2,000 per month		<u>12,000</u>
TOTAL COST OF #2 PACKAGE		<u>\$156,872</u>
GRAND TOTAL OF BOTH PACKAGES		<u>\$270,795</u>

Accommodation for the additional staff can be provided with the anticipated takeover of the area now occupied by the Community Development Department.

Revenue

Due to the increased activity of the Department, as outlined above, we are increasing the estimate for Revenue by \$300,000.

3a.

SUBJECT

RECOMMENDATION

E. Fowler

...../2

Planning and Development
Committee

BACKGROUND: (Continued)

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of C. Chewter & Son. The City's Building Department also reviewed the estimates and are in agreement that the work conforms to the Schedule and at a cost in line with the work that is required.

The Department of Community Development therefore recommends a Designated Property Grant be awarded in the amount of \$6,000., and a Community Heritage Trust Fund loan in the amount of \$5,150. at 6% interest be approved.

SKEATES CONTRACTING INC.

P.O. BOX 1142,
WATERDOWN, ONTARIO L0R 2H0
(416) 689-7627

Q U O T A T I O N

DATE: MAY 27, 1987

CONTRACTOR: MR C. KOPRIVA

JOB: RESIDENCE, 233-235 LOCKE STREET NORTH, HAMILTON, ONT

ATTENTION:

WE ARE PLEASED TO SUPPLY YOU WITH THE FOLLOWING QUOTE:

PARTICULARS:

Stucco repairs and painting as discussed.
ASPER INSTRUCTION SET FOR IN LETTER TO ANDRE TASSE REGARDING
233-235 LOCKE STREET NORTH-HERITAGE NUMBER #40

TOTAL PRICE \$11,300.00

TERMS: THIS PRICE GOOD FOR 30 DAYS ONLY.
ALL WORK TO BE DONE ACCORDING TO ARCHITECT'S PLANS
AND SPECIFICATIONS SUPPLIED AT THE TIME OF THIS
QUOTATION.

APPROVED BY



Contracting Plasterers

QTY	DESCRIPTION OF MATERIAL	UNIT PRICE	TOTAL
-----	-------------------------	------------	-------

[illegible]

TOTAL MATERIAL \$

INV. NO. _____
YOUR P.O. NO. _____

STREET 233-235 Locke Street North

JOB LOCATION same as above

APPENDIX

CITY

PHONE NO.

WORK TO BE DONE
-QUOTATION-

To stucco repairs and painting as indicated.

TOTAL AMOUNT OF QUOTATION \$11,150.00

TERMS: This quotation price is good for thirty days.

As per instruction set forth in letter to Andre Paege regarding 233 - 235 Locke Street North - Heritage Number # 40

DATE 19

	LABOUR	HOURS AT \$	PER HOUR
--	--------	-------------	----------

MATERIAL (AS PER LIST)

OTHER CHARGES

C.O.D.	<input type="checkbox"/>	CHARGE	<input type="checkbox"/>	AMOUNT \$	11,150.00
--------	--------------------------	--------	--------------------------	-----------	-----------

COMPLETED

NOT COMPLETED

June 3, 1987

To - John H. Robinson
Co-ordinator of Housing Loans

Re:: Dean Castle - Heritage Number # 40

Dear Sir;

As per your instructions, we contacted Miss Chappel and arranged a meeting for May 29th at 2 p.m.

Miss Chappel was very informative to the historical background and merits of this building, after some length of conversation with her and an architect she brought along with her, plus other research I have done, I have come upon a plan that I hope will meet your approval.

1) I would like to restore the building back to its original state as much as possible.

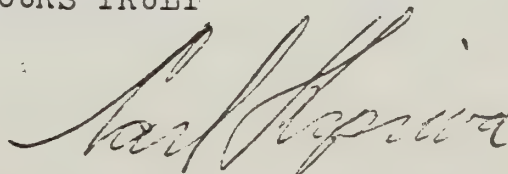
2) To follow the instructions set forth in your letter to Andre Tasse - File Number # 40 Dated August 21, 1986, with the exclusion of Schdule A (Section # 5 A & B) this work to be concluded in the Spring or Summer of 1988.

3) In photos I have been able to obtain I see there was a porch on the existing foyer, this I would like to replace as per original in Cedar wood.

4) To obtain funding in the form of a grant - loan through a heritage foundation. The said properties 233-235 Locke are for all deed and purposes two separate entities, is funding available for this statis ?

5) I wish to work in full co-operation with Miss Chappel and your department in order that this historical site be returned to its original splendor.

YOURS TRULY



3b.

F O R A C T I O N

FROM E. W. Kowalski, Director
Department of Community Development **DATE** 1987 June 15

TO Planning and Development Committee **Refer To File No.** FACADE #17

Attention Of _____

Your File No. _____

SUBJECT

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$16,620.00 be approved for Mr. Glen Morgan, 335 Upper Wentworth Street. The interest rate will be 4-5/8%, amortized over 10 years.

E. Kowalski

BACKGROUND

The owner of 335 Upper Wentworth Street (Mountain Lanes) has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Concession Street Business Improvement Area (B.I.A.) have reviewed the plans and have unanimously approved the work which is to be undertaken by the owner, Glen Morgan. The City's Architectural Historian has indicated that L.A.C.A.C. does not have any specific interest in this building as it is not listed as architecturally or historically significant.

The Department of Community Development, therefore, recommends the approval of a Commercial Facade Loan to Mr. Glen Morgan for improvements to 335 Upper Wentworth Street in the amount of \$16,620.00. The loan will be amortized over a 10 year period at 4-5/8% interest. The monthly payment will be \$156.39, and will be secured by a Promissory Note and a Lien registered on Title.

4a

F O R A C T I O N

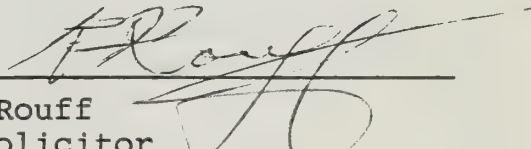
FROM K. A. Rouff, City Solicitor DATE 1987 June 15
TO Chairman and Members, Refer To File No. 100-1.358
Planning & Development Committee.
Attn: Mr. J. D. Thompson, Secretary Attention Of K. A. Rouff
Your File No. _____

SUBJECT

Edward Allen v The Corporation of the City of Hamilton -
City Appeal to the Court of Appeal - Judicial Review -
By-law 84-35 - 81 Francis Street, Hamilton

RECOMMENDATION

That the account in the amount of \$13,410.46 for fees be paid.
The details of this account are outlined in the attached letters
of May 25, and June 2, 1987.



K. A. Rouff
City Solicitor

BACKGROUND

In January of 1986, Council approved a recommendation of your Committee that legal counsel be retained herein. This firm successfully argued the City's case before the Ontario Court of Appeal and the decision of Mr. Justice Fitzpatrick of the Supreme Court of Ontario was overruled and the City was awarded costs for the proceedings in both Courts.

This account covers Weir & Foulds' services for the period November 13, 1986 to May 12, 1987.

Attach.

JUN 15 1987

WEIR & FOULDS

Barristers & Solicitors

Suite 1600, Exchange Tower
P.O. Box 480
2 First Canadian Place
Toronto, Canada M5X 1J5

City of Hamilton
71 Main Street West
City Hall
Hamilton, Ontario
L8N 3T4

File No. 24/852 (JGR)

Date May 25, 1987

Attention: P.R.A. Hooker, Esq.

Re: Edward Allen
Interim Account - November 13,
1986 to May 12, 1987

MAY 29 1987

LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON

TO PROFESSIONAL SERVICES RENDERED HEREIN, including: telephone call to Mr. Rudolph; revising Factum; telephone calls to and from Mr. Rudolph; office conferences; letters to Mr. Rudolph; drafting Certificate of Perfection; finalizing Factum; telephone calls to Mr. Hooker and letter to same; telephone call from Mr. Rudolph; attending before Registrar at Court of Appeal to obtain expedited appeal date; reviewing correspondence from Mr. Hooker; telephone call to Mr. Hooker; preparing Casebooks; letter to Mr. Rudolph; letter to Mr. Hooker; intra-office memorandum; reviewing material filed by Mr. Rudolph and telephone call to same; telephone call to Court of Appeal; telephone call to Mr. Hooker; office conferences; preparing Chronology of Events and revising same; preparing for Appeal; office conference; telephone call from Mr. Hooker; research; further revision of Chronology of Events; preparation for and attending on Appeal before MacKinnon, A.C.J.O., Dubin and Finlayson, J.J.A.; reviewing reasons of Court of Appeal; telephone calls and letter to Mr. Hooker; office conference; drafting Order of Court of Appeal; letters to Messrs. Rudolph and Hooker; office conference; and to all further telephone conversations, correspondence, meetings and memoranda herein.

OUR FEE...

\$13,000.00

Account Payable upon receipt. In accordance with Section 35 of the Solicitors Act, interest will be charged at 10 % per annum calculated from 30 days after delivery of this account. A receipted account will not be mailed unless requested by you.

WHEN REMITTING PLEASE ENCLOSE THE DUPLICATE COPY OF THIS ACCOUNT.

28094

WEIR & FOULDS

Barristers & Solicitors

2.

24/852 (JGR)

FEE CARRIED FORWARD

\$13,000.00

DISBURSEMENTS

Binding	\$ 18.00	
Copies	302.15	
Deliveries	26.50	
Postage	3.22	
Telephone	24.40	
Travel	9.00	
Other	<u>27.19</u>	<u>410.46</u>

TOTAL FEE & DISBURSEMENTS

\$13,410.46

Account Payable upon receipt. Interest will be charged at 10 %
per annum calculated from 30 days after delivery of this account.
A receipted account will not be mailed unless requested by you.

WHEN REMITTING PLEASE ENCLOSE THE DUPLICATE COPY OF THIS ACCOUNT.

23004

WEIR & FOULDS

Barristers & Solicitors

H.S.O. Morris, Q.C.
J.J. Carthy, Q.C.
M.D. O'Reilly, Q.C.
N.W.C. Ross
R.W. Rosenman
G.F. Windsor
R.R. Wozenilek
P.M. Perell
J.D. Winberg
J.S. Prypasniak
M.E. Panet
J.M. Buhlman
J.G. Richards
D.R. Rogers
E. Mitchell
J. Rosolak
V.J. Murphy
G.H. McPhail
C.L. Milne

J.P. Hamilton
J.D. McKellar, Q.C.
M.J. McQuaid, Q.C.
W.T.R. Wilson
G.R. Baker, Q.C.
L.J. O'Connor
L.C.E. Tanaka
K. Prehogan
D.R. Elver
C.J. Tzekas
J.D. Campbell
J. Matejcek
L.A. Borsook
L.M. Duffy
A.K. Clute
J.R. Fogarty
M. Protich
K.E. Gillese
T.H. Ujejski

M.S. Archibald, Q.C.
A.S. Wakim, Q.C.
P.D. Wendling
B. Finlay, Q.C.
W.J. McNaughton
W.A.D. Millar
R.S. Sleightholm
J.G. Cowan
M.A. Gray
B.N. McLellan
G.M. Caplan
L.A. Vandor
A.K. Shaffer
D.S. Tarshis
J.N. Tascona
A.G. Formosa
M.J. Dougherty
T.I.G. Hyde
J.B.A. Wilkinson

OTTAWA

Suite 1515
50 O'Connor Street
Metropolitan Centre
Ottawa, Canada K1P 6L2

Telecopier (613) 238-1876

Telephone (613) 238-1110

TORONTO

Suite 1600, Exchange Tower
P.O. Box 480
2 First Canadian Place
Toronto, Canada M5X 1J5

Telecopier (416) 365-1876
Telex 06-22471

Telephone (416) 365-1110

Please Reply to Toronto Office

Direct Line (416) 947-

June 2, 1987

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: P.R.A. Hooker, Esq.

Dear Sirs:

Re: City of Hamilton ats Allen

RECEIVED

JUN 10 1987

LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON

Further to your telephone conversation with the writer on June 2, 1987, herewith we provide as requested a breakdown of our time and charges relating to our most recent account.

Exclusive of counsel fees for the day of the hearing before the Ontario Court of Appeal, our account is based on the following approximate hours and rates:

B. Finlay (Partner)	- 20.5 hrs. @ \$210.00/hr.
J.G. Richards (Partner)	- 34.9 hrs. @ \$140.00/hr.
Word Processing Services	- 2.5 hrs. @ \$42.00/hr.

As for counsel fees in connection with our appearance before the Ontario Court of Appeal on April 8, 1987, the following rates have been applied:

2.

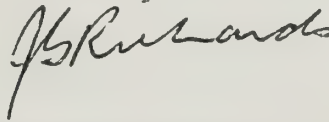
B. Finlay - \$2,500.00

J.G. Richards - \$1,250.00

We trust this is the information which you require. Please do not hesitate to contact the writer if you have any questions or wish to discuss the matter further.

Yours truly,

WEIR & FOULDS

A handwritten signature in dark ink, appearing to read "J.G. Richards", written in a cursive style.

Per:

J.G. Richards

JGR:ag

FOR ACTION

5.

FROM Planning and Development Department

DATE June 2, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-50

QUINNDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District of property located at the north-west corner of Stone Church Road East and Rochelle Avenue. The purpose of the application is to permit the subdivision of the subject lands into building lots for small lot single-family detached dwellings, (See Appendix "B" attached).

RECOMMENDATION

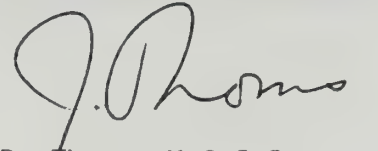
1. That approval be given to Zoning Application 87-50, Tony, Gino and Tony Malatesta, prospective owners, for a change in zoning from "AA" (Agricultural) District to "R-4" Small Lot Single-Family Detached) District, of property located at the north-west corner of Stone Church Road East and Rochelle Avenue, as shown on the attached map marked as APPENDIX "A" on the following basis:
 - i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
 - ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6543 and Zoning District Map E-49C; and,
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton.

EXPLANATORY NOTE

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-Law is to permit development of the subject lands for small lot single-family detached dwellings.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANTS

Tony, Gino and Tony Malatesta, prospective owners.

LOT SIZE AND AREA

- 31.08 m (102.0 ft.) of lot frontage on Stone Church Road East;
- approximately 25.29 m (272.27 ft.) of lot depth; and,
- 2,185.19 m² (23,522 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Vacant	"AA" (Agricultural District)
<u>Surrounding lands</u>		
To the north	Vacant lands and single family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Semi-detached dwellings and vacant lands	"D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District
To the east	Townhouses	"RT-20" (Townhouse and Maisonette) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
To the west	Vacant lands and single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Quinndale Neighbourhood Plan, the proposal complies.

BACKGROUND

• Land Division Committee

The applicants have recently submitted an application(s) to the Regional Land Division Committee to sever the subject parcel of land into a total of 6 building lots the purpose of constructing small lot single-family dwellings. The land severance application(s) will be considered by the Regional Land Division Committee at its meeting to be held on either June 23, 1987 or June 30, 1987. As the property in question will have access to three road frontages (Stone Church Road East, Rochelle Avenue and Quincy Court), it would be appropriate to subdivide the lands through the Regional Land Division Committee as opposed to development via a draft Plan of subdivision. Approval of the land severances would be conditional upon receiving the approval of the subject zoning application.

COMMENTS RECEIVED

- The Building Department has no comments.
- The Traffic Department has no objection.
- The Hamilton Region Conservation Authority has no objection.
- The Hamilton-Wentworth Engineering Department has advised that:

"The designated road allowance width of Stone Church Road is 30.48 m (100 feet). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 feet) from the centre line of the original Stone Church Road road allowance. Furthermore, Rochelle Avenue was established by By-law No. 77-137 and registered as Instrument No. 5371 C.D. There are one-foot reserves shown as Part 1 on Survey Plan 55-1409 and Block "D" on Plan M-191. Since these one foot reserves are over and above the 20.11 m (66 foot) requirement for street purposes, we recommend, as a condition of development approval, that the applicant purchase the reserves from the City of Hamilton and that all appropriate servicing costs be recovered by the Region and the City of Hamilton. Any work within the adjacent road allowances must conform to the respective Street By-laws."

COMMENTS

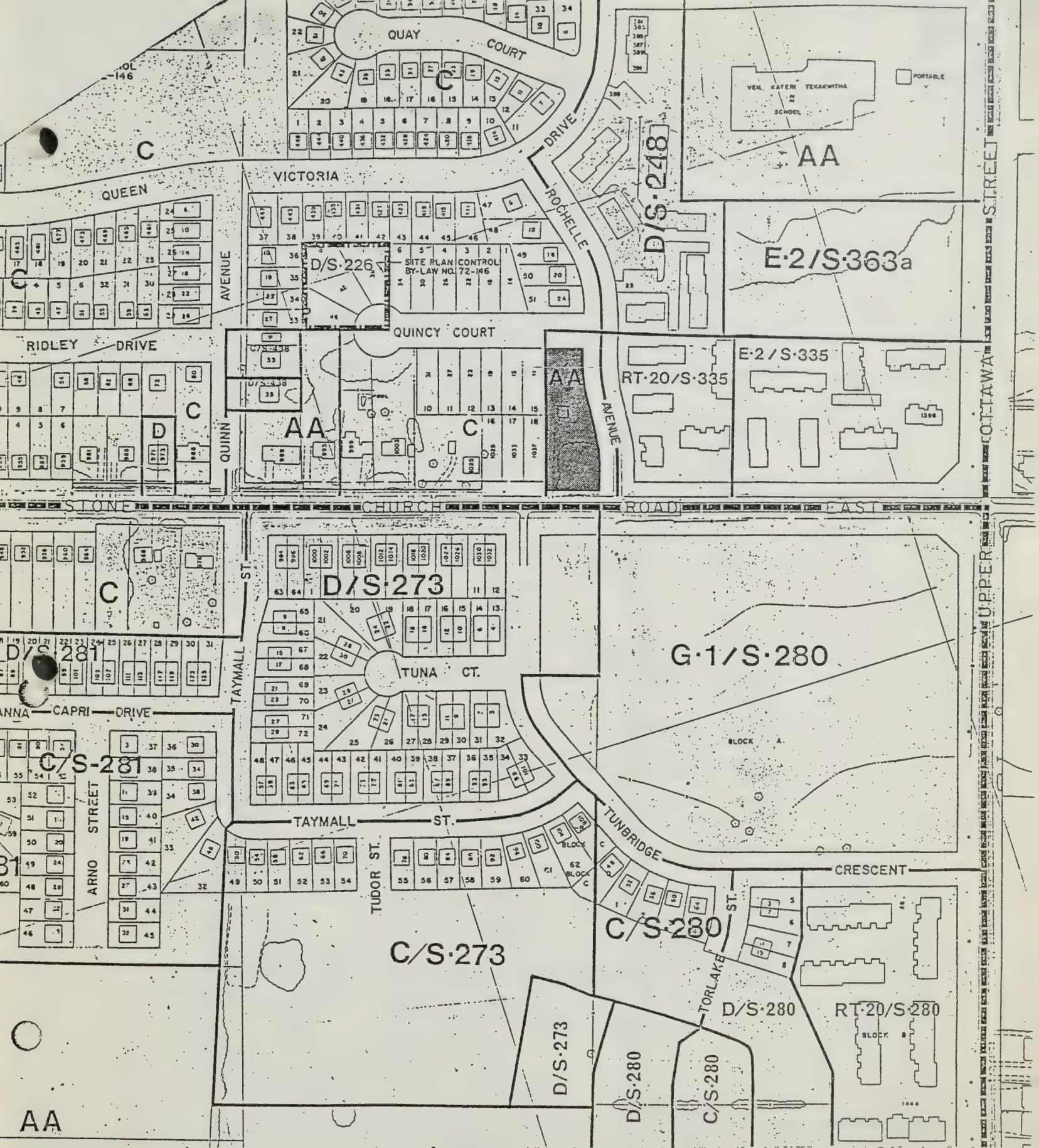
1. The proposal complies with the Official Plan and with the intent of the approved Quinndale Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - it would be in keeping with existing and proposed development in this area comprised of single-family dwellings, semi-detached dwellings and townhouse dwellings;
 - it would result in the completion of the development pattern at the north-west corner of Stone Church Road East and Rochelle Avenue;
 - the proposed lots would have sufficient lot frontages and areas to meet with the requested "R-4" District regulations.
3. The road widening required on Stone Church Road East would be acquired as a condition of approval of the land severance application.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

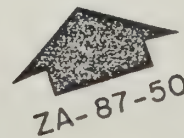
W.P. DOC. 0531P



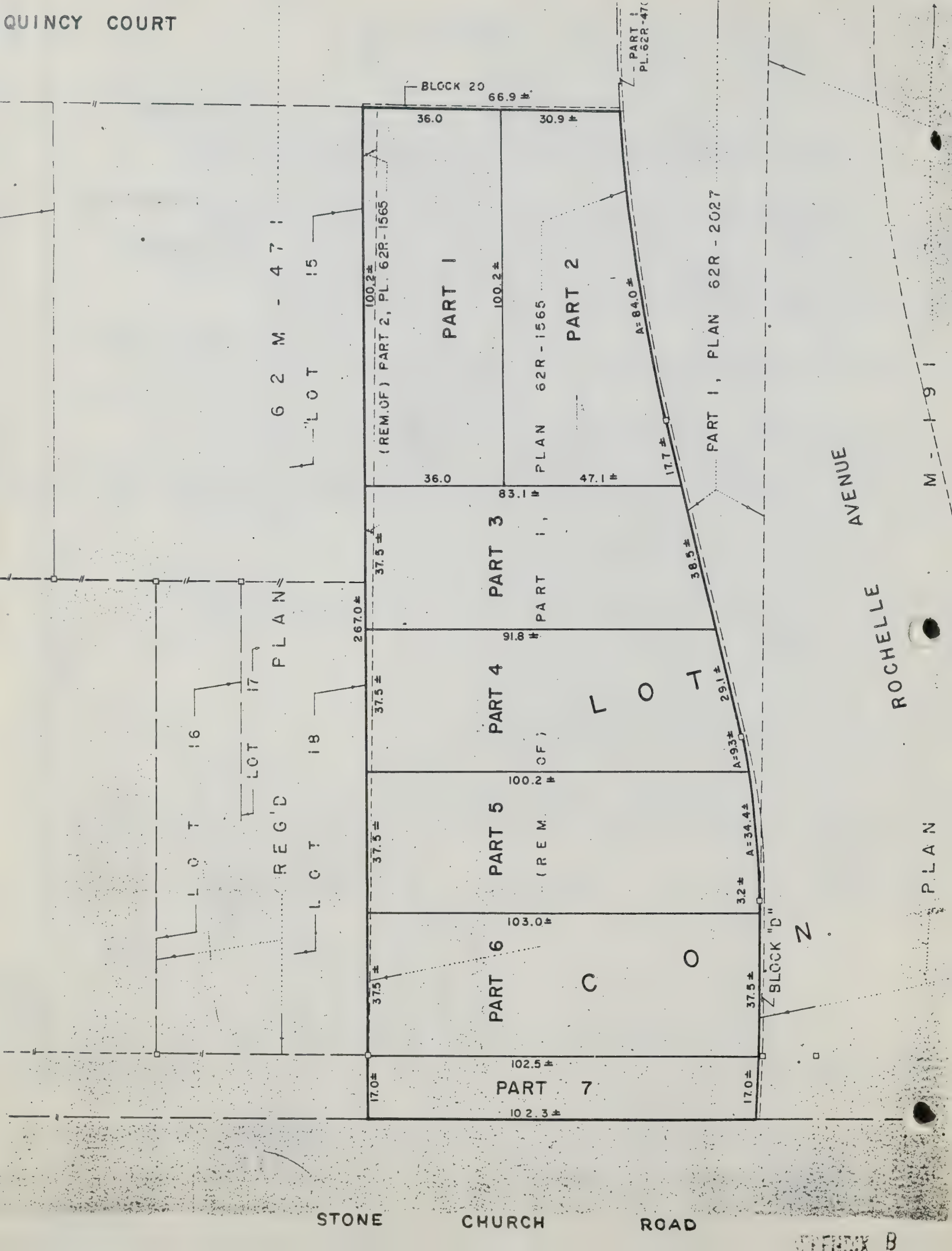
LEGEND



SITE OF THE APPLICATION



50



ZA97-50.

JUN 12 1997

Please take note we,
Mike & Gina Seime, are
in favor of proposed
change in zoning from
AA to R-4 for property
description - west side
of Rockelle Ave between
Stone Church Rd. E. &
Quincy Ct.

best:

We also feel that
the planning and
development committee
should check very
carefully into all
blasting in our area.
They tell us all
blasting is controlled
but at times it is
unbearable.

Copy: V. Abraham,
Planning
1997 JUN 17

I thank you
Mike & Gina Seime
1000 Stone Church Rd. E.

6.

F O R A C T I O N

FROM Planning and Development Department

DATE May 26, 1987

TO Planning and Development Committee

Refer To File No. CI-87-E

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the "H" (Community Shopping and Commercial, etc.) District for property located at 1814 King Street East. The purpose of the proposed modification is to permit a petting zoo on the subject lands.

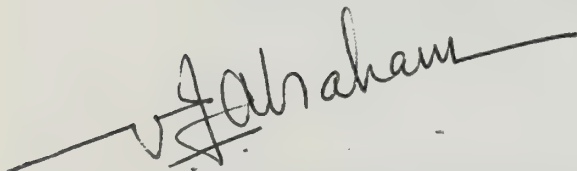
RECOMMENDATION

1. That approval be given to City Initiative 87-E requesting a modification to the "H" (Community Shopping and Commercial, etc.) District for property located at 1814 King Street East shown as Block "1" on the attached plan marked as Appendix "A" on the following basis.
 - (i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to Block 1 be modified to include the following as a special requirement:
 - (a) Notwithstanding Section 14(1) of By-Law 6593, a petting zoo shall be permitted as an accessory use.
 - (ii) That the amending By-law incorporate the following definition of a petting zoo:
 - (a) A "Petting Zoo" means a place where domestic animals including goats, rabbits, pigeons, domestic fowl, and any other such small animals, except Class 4 and Class 5 animals as listed in By-law No. 84-191 are kept for the sole purpose of providing amusement to children permitted to handle the animals.
 - (iii) That the amending By-Law be added to Section 19B of the Zoning By-law No. 6593 as Schedule S-1017, and that the subject lands on Zoning District Map E-66 be notated S-1017;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That By-law 84-191, passed under the Municipal Act, respecting the Keeping of Animals be amended to exempt a Petting Zoo.

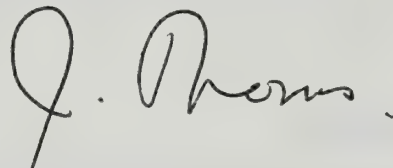
EXPLANATORY NOTE

The purpose of the proposed By-Law is to introduce a modification to the "H" (Community Shopping and Commercial, etc.) District zoning applicable to Block 1 as shown on the attached Appendix "A".

The effect of the By-Law is to permit a petting zoo, as an accessory use on the subject lands.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

SUBJECT PROPERTY

1814 King Street East.

LOT SIZE AND AREA

The subject property is irregular in shape and has the following dimensions:

- o a frontage along King Street East of 35.01 m (114.87 ft.);
- o a depth of 113.03 m (370.82 ft.);
- o an area of approximately 0.39 ha (0.98 ac.).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Flower shop, garden centre and petting zoo	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding lands</u>		
To the north	Mixed commercial and Residential	"H" (Community Shopping and Commercial, etc.) District

	Multiple dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
To the south	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Vocational school	"H" (Community Shopping and Commercial, etc.) District
To the west	Star Temple Meeting Hall	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

Designates the subject lands Commercial, the proposal complies.

BACKGROUND

The primary use on the subject property is a flower and garden centre. In addition, various domestic animals such as goats, rabbits and ducks are being kept in a small shelter as an accessory use (i.e. Petting Zoo). These animals are intended to provide amusement to children. They have existed on the property for a number of years without any complaints from immediate neighbours. The small shelter where the animals are kept is sufficiently separated from adjacent uses to reduce the effects of noise and odour. Given the foregoing, there appears to be no reason why the Petting Zoo should not be allowed to continue to exist on the property. However, to permit the use a site specific rezoning and an amendment to By-law 84-191: Keeping of Animals, must be initiated.

To this end, at its meeting of March 11, 1986, City Council adopted the following resolution Item 4, 6th Report 1986) of the Legislation Committee respecting the existing petting zoo at 1814 King Street East:

- "4.(a) That the Planning and Development Committee give consideration to amending Zoning By-law 6593 to provide a Site Specific Zoning Amendment for the Wear's Florist property, 1814 King Street East, to permit a "petting zoo" as an appropriate land use.
- (b) That subject to Council approval of a Site Specific Zoning Amendment, that the City Solicitor be authorized and directed to amend By-law 84-191, respecting to Keeping of Animals, to provide that the keeping of Class 1 (goats), Class 2 (domestic fowl, pigeons) and Class 3 (rabbits) are not prohibited."

The Planning and Development Committee on March 26, 1986 agreed to undertake to amend the Zoning By-Law to permit a petting zoo on the subject property.

EXISTING BY-LAW

By-law 84-191 respecting the Keeping of Animals was passed by Council on August 23, 1984 under the provisions of Section 210 of the Municipal Act. The effect of the By-Law is to restrict the keeping of various farm-related animals to only those areas of the City zoned "AA" (Agricultural) District under Zoning By-Law No. 6593 subject to a minimum lot area of 12,000 square metres (2.97 acres).

Since the subject property is not zoned "AA" (Agricultural) District, a petting zoo will only be permitted if a site specific zoning amendment is initiated to the subject property. In addition, By-Law 84-191 must be amended to exempt petting zoo from the by-Law regulations.

PUBLIC MEETING

A By-Law passed under the Planning Act requires circularization for a Public Meeting and a notice of the passing of a By-Law. To this end properties within 122 m (400 ft.) have been notified and invited to attend the Public Meeting.

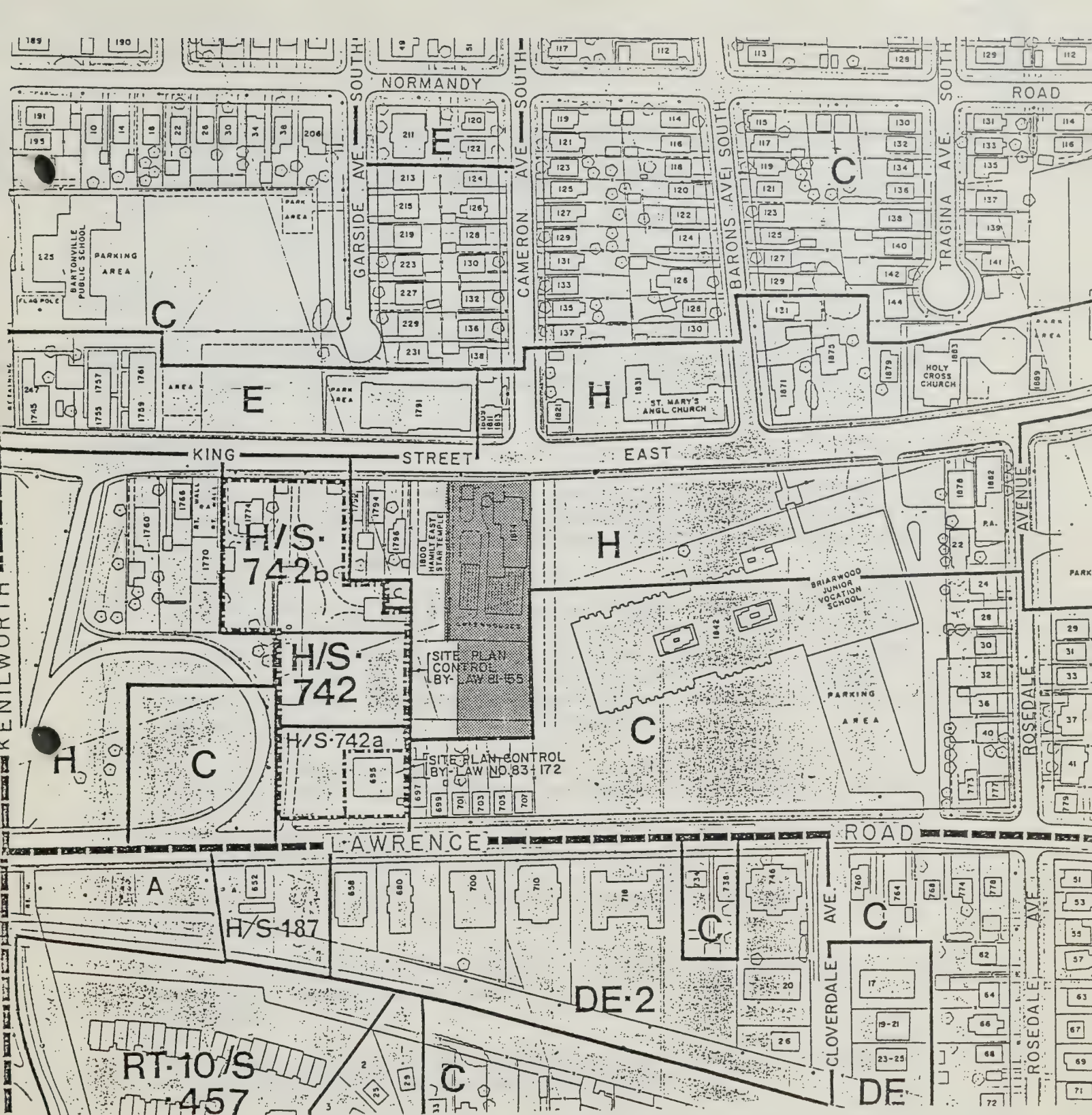
CONCLUSION

Based on the above, the following must be initiated:

- o site specific Zoning By-law Amendment to permit a petting zoo on the subject property; and,
- o a general amendment to By-Law 84-191 to exempt petting zoos.

HY:nd

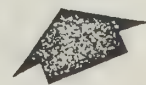
W.P. DOC. 0505P



LEGEND



SITE OF THE APPLICATION



C.I. 87-E

7.

FROM: Planning and Development Department DATE June 8, 1987
TO: Planning and Development Committee Refer to File No. SA-79-09
Attention V. J. Abraham

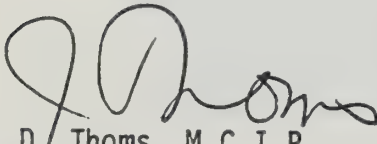
SUBJECTS

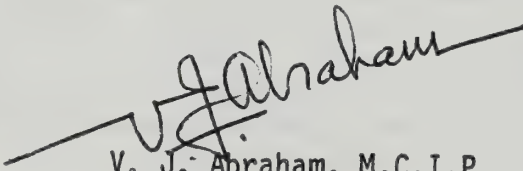
Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-79018, City of Hamilton, File No. SA-79-09, to establish 155 single-family units, 58 townhouses units and 216 apartment units.

RECOMMENDATION

- a) That approval be given to Application SA-79-09, Todac Construction Limited, owner, to establish a draft plan of subdivision on the south side of Rymal Road east of a proposed extension of Upper Gage Avenue, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated March 24, 1987, revised to show 144 lots, 3 blocks for 58 townhouse units, 2 blocks for 216 medium density apartment units, 14 blocks for development with adjacent land, two blocks for sewer easements, one block for open space purposes, one block as a walkway and four blocks for 0.3 m reserves.
 2. That the road allowances be dedicated as public highways and the walkway (block 161) be dedicated as public walkway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.
 8. That the dead-ends and open side of the road allowance created by the plan be terminated in 0.3 m reserves to be conveyed to the City of Hamilton and held by the City until required for the future extension of the road allowances or development of abutting lands.

9. That Blocks "145" to "155" (inclusive) and "169" to "171" (inclusive) be developed only in conjunction with abutting lands.
10. That Street "A" must align centreline to centreline with Rockland Avenue as established under Plan 62M-505.
11. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-79-09), Todac Construction Ltd., owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

Todac Construction Limited, Hamilton, Ontario.

AGENT

Pelech, Otto & Powell, Barristers and Solicitors
c/o J. Pelech, Hamilton, Ontario.

SURVEYOR

A. J. Clarke and Associates, Hamilton, Ontario.

LOCATION

The lands, comprising 15.82 ha, are located at the south side of Rymal Road, west of the Trans Canada Pipeline Compressor Station and north of the H.E.P.C. Right-of-way in the Broughton East Neighbourhood, being part of Lot 12, Concession 1, Township of Glanford, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 155 lots for single-family dwellings, two blocks for medium density apartments, three blocks for townhouses, 7 blocks for development in conjunction with adjacent lands, 1 block for open space purposes, one block for a sewer easements and roads which will service the lands for the intended purposes. Since the appropriate zoning will be dealt with at a later date, zoning requirements would have to address the lots and blocks if this plan is adopted as shown.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential" - attached housing, for "Residential" - single and double and for utilities. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (Subject to detailed noise study)
Ministry of Natural Resources (Subject to grading, drainage and erosion conditions)
Ministry of Citizenship and Culture (Subject to standard archaeological conditions)
Niagara Escarpment Commission
City of Hamilton Board of Education
Hamilton Region Conservation Authority (Subject to grading and drainage plan)
Ontario Hydro, Union Gas, Bell Canada
City Building Department (Subject to rezoning)

The Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

- "1) The developer will purchase the northerly 10 metres of the Board of Education's land prior to development to form part of this development so that Street "D" may be opened up to its full width.

- 2) Blocks "154" and "155" can be serviced to the existing storm and sanitary sewers on Rymal Road East. However, the remainder of the development will have to await the extension of sanitary and storm sewers from their present location to the eastern limit of Block "157" opposite Street "D" (this is expected to occur in 1988).
- 3) A 12 metre wide sewer easement is also required or the extension of Street "A", southerly to Street "F".
- 4) The proposed subdivision can be serviced for water from the existing watermain on Rymal Road East along Street "A" and Street "B". Since the watermain will cross the Trans-Canada Pipelines Easement, they should be contacted for their comments.
- 5) As shown on the draft plan, Block "168" is indicated as being reserved for a future street. To service the lands to the south, a watermain along this future street will be necessary; however, should the use of Block "168" be changed in the future and no street is to be provided, an easement would be required at such a location that it coincides with any existing or proposed streets in the Township of Glanbrook.
- 6) The Region's share for oversized municipal sewers and watermains is estimated to be \$170,000.00.
- 7) No direct access from the proposed Townhouses in Block "157" is permitted to Rymal Road East.
- 8) Street "A" must align centreline to centreline with Rockland Avenue as established under Plan 62M-505.
- 9) All roadway horizontal curvatures must conform to the following:

"The minimum curvature for any local roadway is 110 m radius to the centre of the road allowance. This curvature is a minimum and should be increased wherever it is possible to do so. Only at those bends that are at or near a right-angle, can this standard be reduced; in those cases, the bend should not be greater than 120° nor the centre-line radius greater than 30 m."

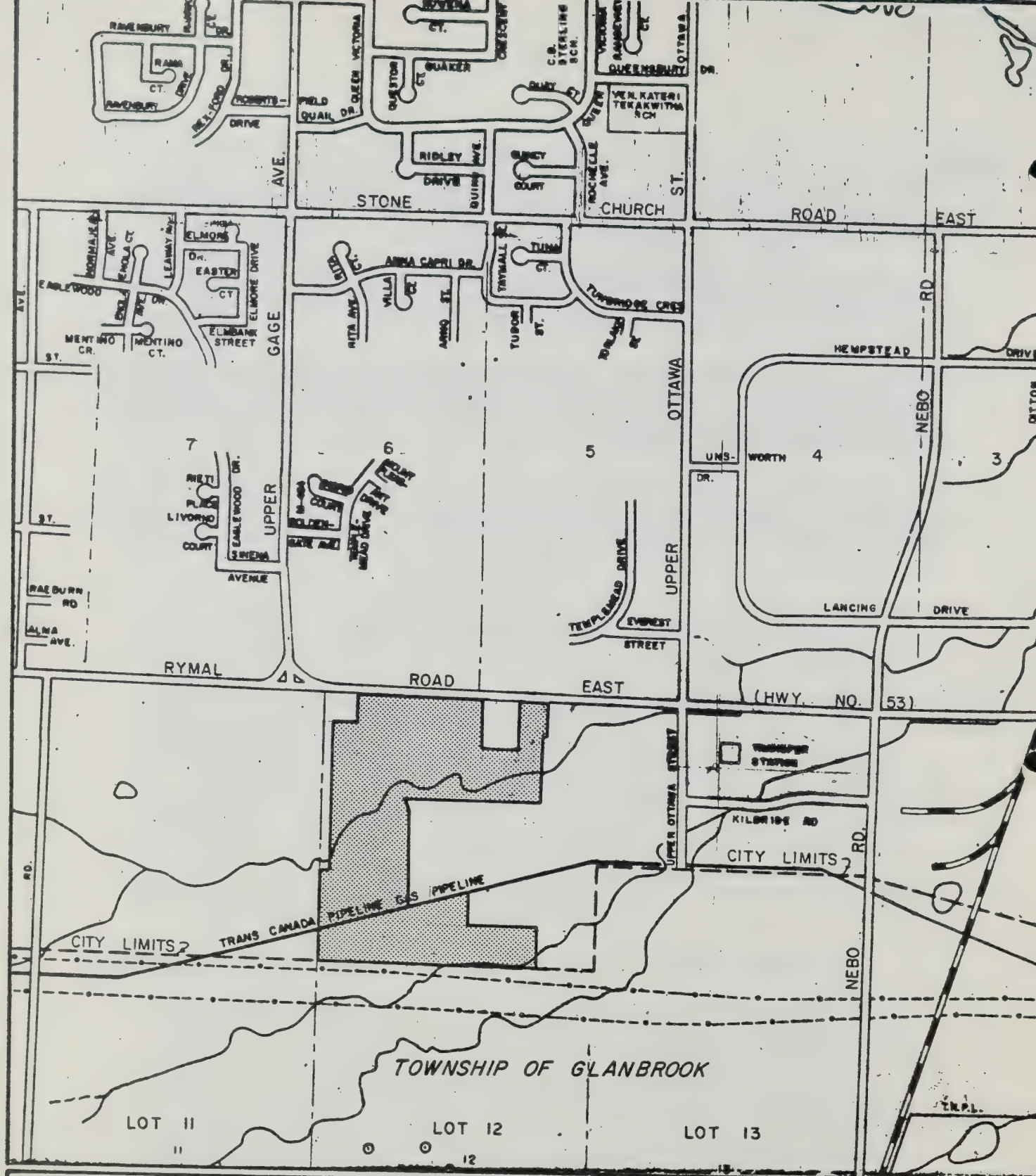
Streets "D", "J" and the extension of Street "C" to the west, must also conform to the above.
- 10) All streets are to be established at 20.0 metres with the exception of Street "E" and a portion of Street "A" which is to be established at 26 metres with a 12 metre daylight triangle at the intersection of Rymal Road and the widened limits of Street "A".
- 11) Comments from the Township of Glanbrook should be received to ensure that development of lands in the City of Hamilton and the Township of Glanbrook are compatible. Block "145" is to be clearly shown as a future street on the Approved Plan to ensure a complete understanding of all future development in the area.

- 12) The owner is to enter into Subdivision Agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- 13) The submitted draft plan, as prepared by A. J. Clarke and Associates and dated March 24, 1987, is basically satisfactory to the Departments of Engineering and Transportation, subject to the above-referenced comments and recommendations."

Trans-Canada Pipeline submitted the following recommendations:

"While TransCanada does not object to the approval of this subdivision, we request the following matters be given due regard in the conditions of draft plan approval and subdivision agreement between the municipality and the developer.

1. We recommend that no permanent structures or excavations be located closer than ten metres to the edge of our right-of-way. This will prevent encroachments on our easement and will also ensure sufficient room is available for the necessary pipeline replacement. It is noted that the draft plan makes allowance for two additional nine metre wide pipeline rights-of-way. Such an arrangement would be satisfactory to us.
2. All crossings of the pipeline by roads or above or below ground services must first be authorized by the National Energy Board pursuant to Section 77 of the National Energy Board Act.
3. No grading or excavation may take place on the right-of-way without TransCanada's prior written authorization.
4. No heavy equipment may cross the pipeline right-of-way unless our district office (which is located immediately east of this development) is given at least two business days advance notice. This will enable a company inspector to be present and evaluate the need for protective measures. It would further be appreciated if a similar notice was given for any work within ten meters of the pipeline right-of-way. Our district office telephone number is (416) 388-5171.
5. No fill or building materials may be stored on the pipeline right-of-way during construction of the subdivision. The developer should also ensure that grades on the right-of-way and adjacent lands are consistent in order to prevent uncontrolled drainage along the easement. In this regard, we request that a copy of the site grading plan be provided for our review.
6. During construction of this subdivision, temporary fencing should be erected along the pipeline easement limits to prevent unlimited access by machinery.



Location Plan For

LILLIAN HEIGHTS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

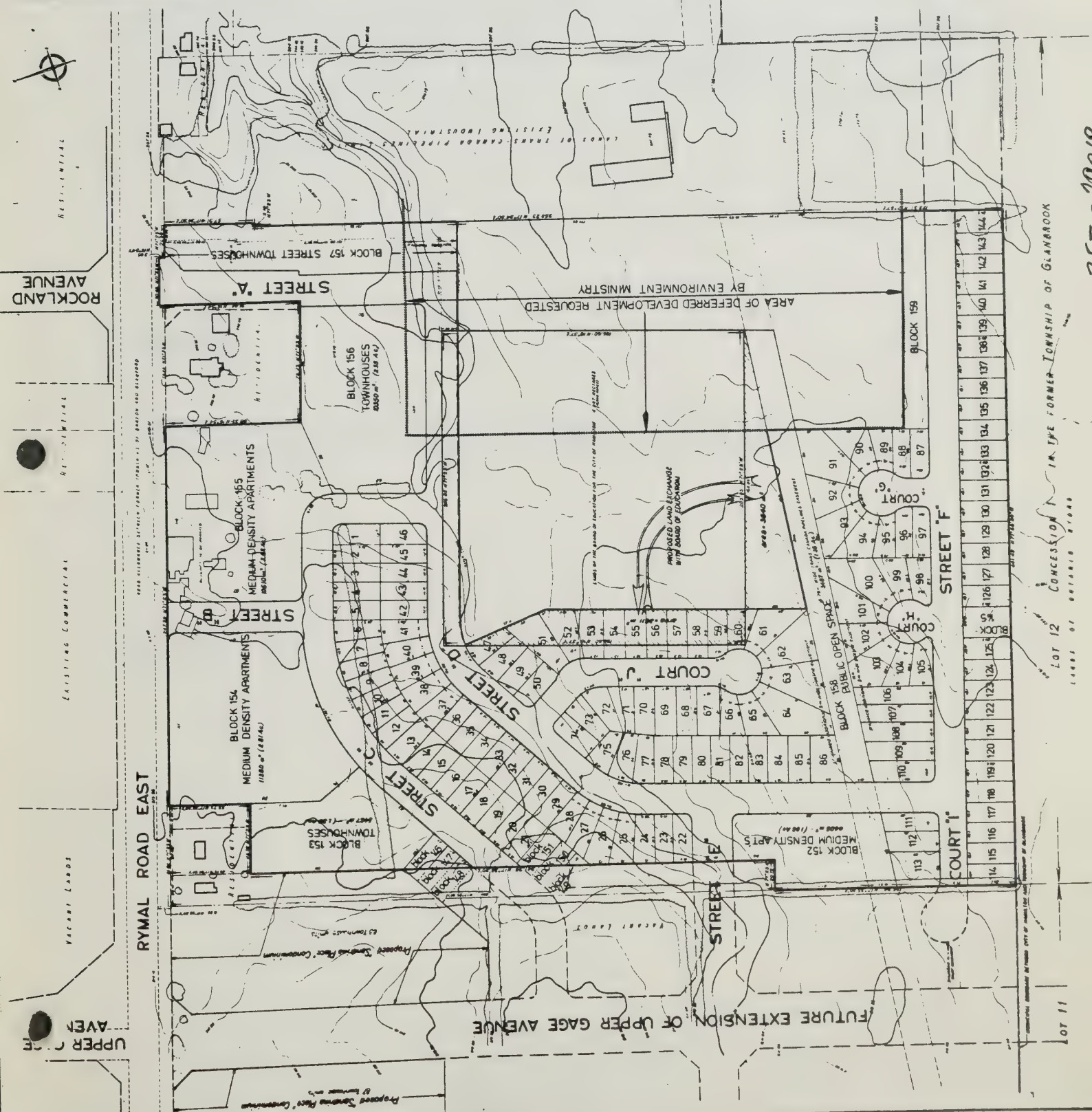


Scale
1" = 1000'

Date
JUNE 8, 1987

Reference File No.
25T-79018

Drawing No.



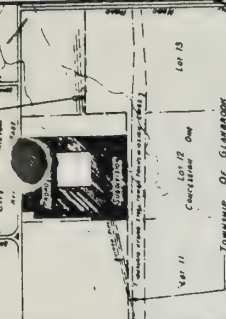
ROCKLAND AVENUE

RYMAL ROAD EAST

LILLIAN HEIGHTS

DRAFT PLAN
WITH A PROPOSED CONVEYANCE
PART OF LOT 12 - CONCESSION 1
FORMERLY IN THE TOWNSHIP OF GLANBROOK
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON
A. J. CLARKE & ASSOCIATES
1997

KEY PLAN



Total area of subdivision: 16.87 hectares
Single family
Residential
Rural setting

METRIC

NOTE
THIS IS A DRAFT PLAN ONLY AND IS
SUBJECT TO REVISION AND AMENDMENT

**ADDITIONAL INFORMATION REQUIRED
UNDER SECTION 33 OF THE
PLANNING ACT**

- a. All zoning by-law
- b. All zoning by-law
- c. All zoning by-law
- d. All zoning by-law
- e. All zoning by-law
- f. All zoning by-law
- g. All zoning by-law
- h. All zoning by-law
- i. All zoning by-law
- j. All zoning by-law
- k. All zoning by-law
- l. All zoning by-law
- m. All zoning by-law
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- o. All zoning by-law
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- r. All zoning by-law
- s. All zoning by-law
- t. All zoning by-law
- u. All zoning by-law
- v. All zoning by-law
- w. All zoning by-law
- x. All zoning by-law
- y. All zoning by-law
- z. All zoning by-law

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

A. J. Clarke & Associates
PROFESSIONAL ENGINEERS AND SURVEYORS
REGISTERED PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL SURVEYORS
1997

LOT 12 CONCESSION 1 IN THE FORMER TOWNSHIP OF GLANBROOK

255-19018

FOR INFORMATION

FROM Planning and Development Department

DATE June 17, 1987

T0 Planning and Development Committee

Refer to File No. DA-86-108

DA-87-25

DA-87-26

DA-87-28

DA-87-33

Attention Of V. J. Abraham

BACKGROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd
W.P. DOC. 0390P

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>June 4, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-86-108 (ZA-86-21) STINSON NEIGHBOURHOOD
		Attention Of	<u>Y. J. Abraham</u>

PROPOSAL

Plans have been submitted for development of a mini-putt golf course on the westerly portion of lands at 467 Charlton Avenue East. Development will occur on the existing slope of the land and will provide walkways, waterfall, plantings, fencing and lighting and the mini-putt course. The existing parking area will not be altered.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-86-108 by Fairview Landscape Associates Ltd. on behalf of Mr. Bob Gault of Sportsman's Lanes, owner of the property at 467 Charlton Avenue East for development of a mini-putt golf course subject to the following:

- a) finalization of the by-law incorporating the approval of Zoning Application ZA-86-21;
- b) modifications to the plans related to dimensions, notes, light post height, and landscaping as marked in red on the plans; and,
- c) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

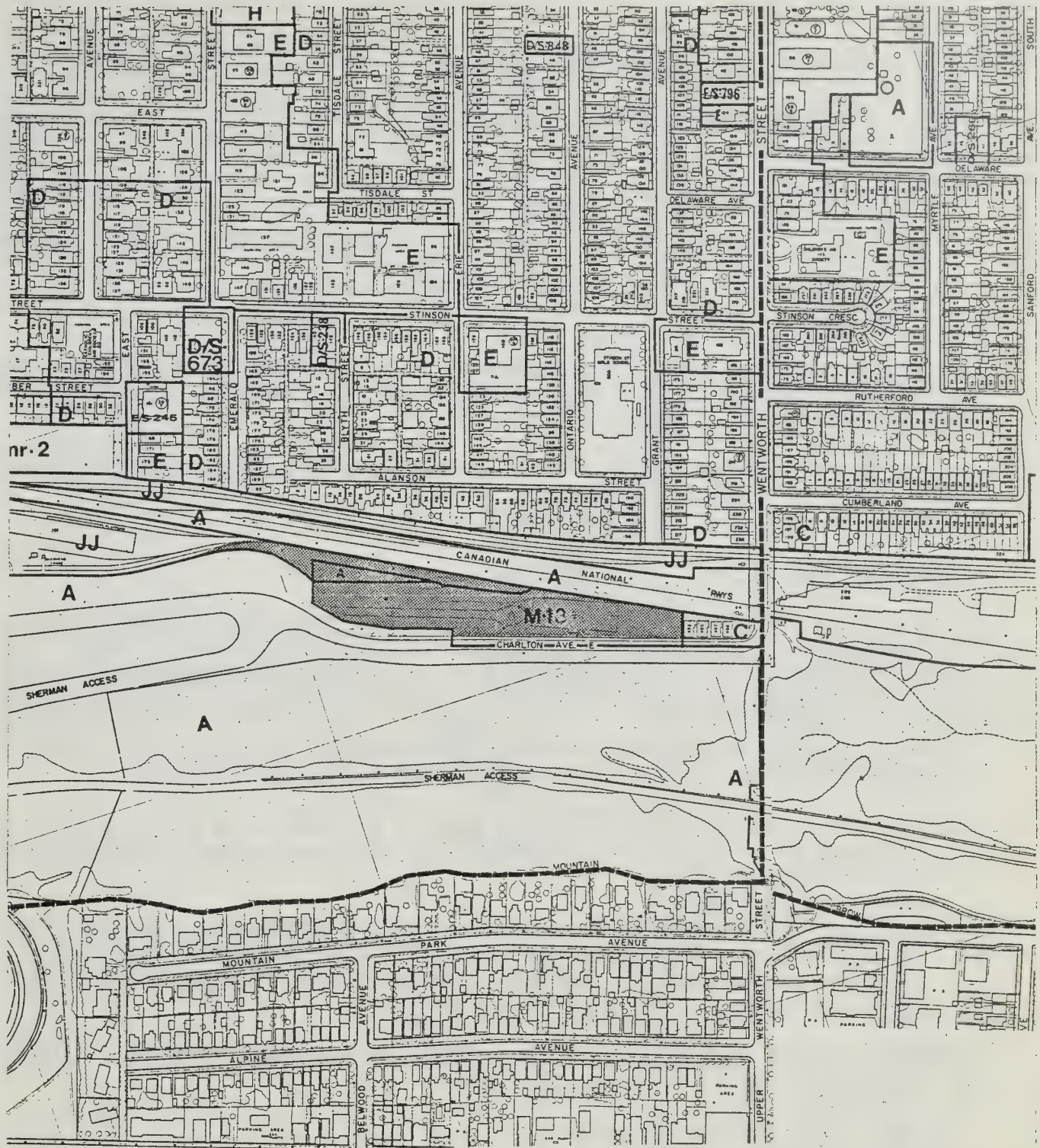
Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

Alderman William McCulloch
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-86-108

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
DEC.1986

Reference File No.
DA-86-108

Drawing No.
86-H-271

FROM Planning and Development Department

DATE

June 9, 1987

TO Planning and Development Committee

Refer to File No.

DA-87-25
(ZA-86-41)
CRERAR
NEIGHBOURHOOD

Attention Of

V. J. Abraham

PROPOSAL

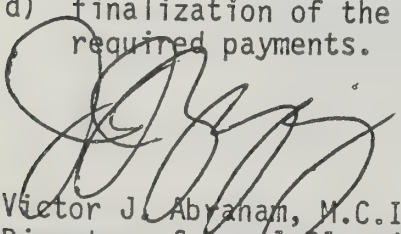
Plans have been submitted for development of a 67 unit condominium townhouse development to be located at the north-west corner of Upper Wentworth Street and Stone Church Road East.

Access to the two-storey brick-faced townhouses will be from Upper Wentworth Street only by two access driveways.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-25 by Ortega Properties Ltd., owner of lands at 391 Stone Church Road East, at Upper Wentworth Street, for development of a 67 unit condominium townhouse complex subject to the following:

- a) modification to the plans related to dimensions, grading, notes, visitor parking signage and landscaping as marked in red on the plans;
- b) clarification of the net lot area being a minimum 18090 m² for the proposed 67 units and the landscape area being a minimum of 50% of the lot area or 9099.36 m²;
- c) modification to the plan in regard to the access driveways to delete the southerly access to Upper Wentworth Street and to extend the proposed driveway on the westerly portion of the site to connect to Stone Church Road East as marked in red on the plans;
- d) finalization of the City modified subdivision agreement and the related required payments.

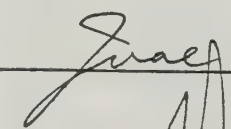
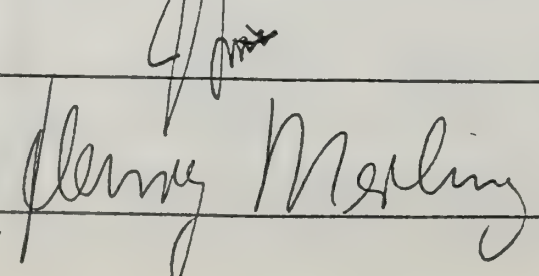

Victor J. Abraham, M.C.I.P.
Director of Local Planning

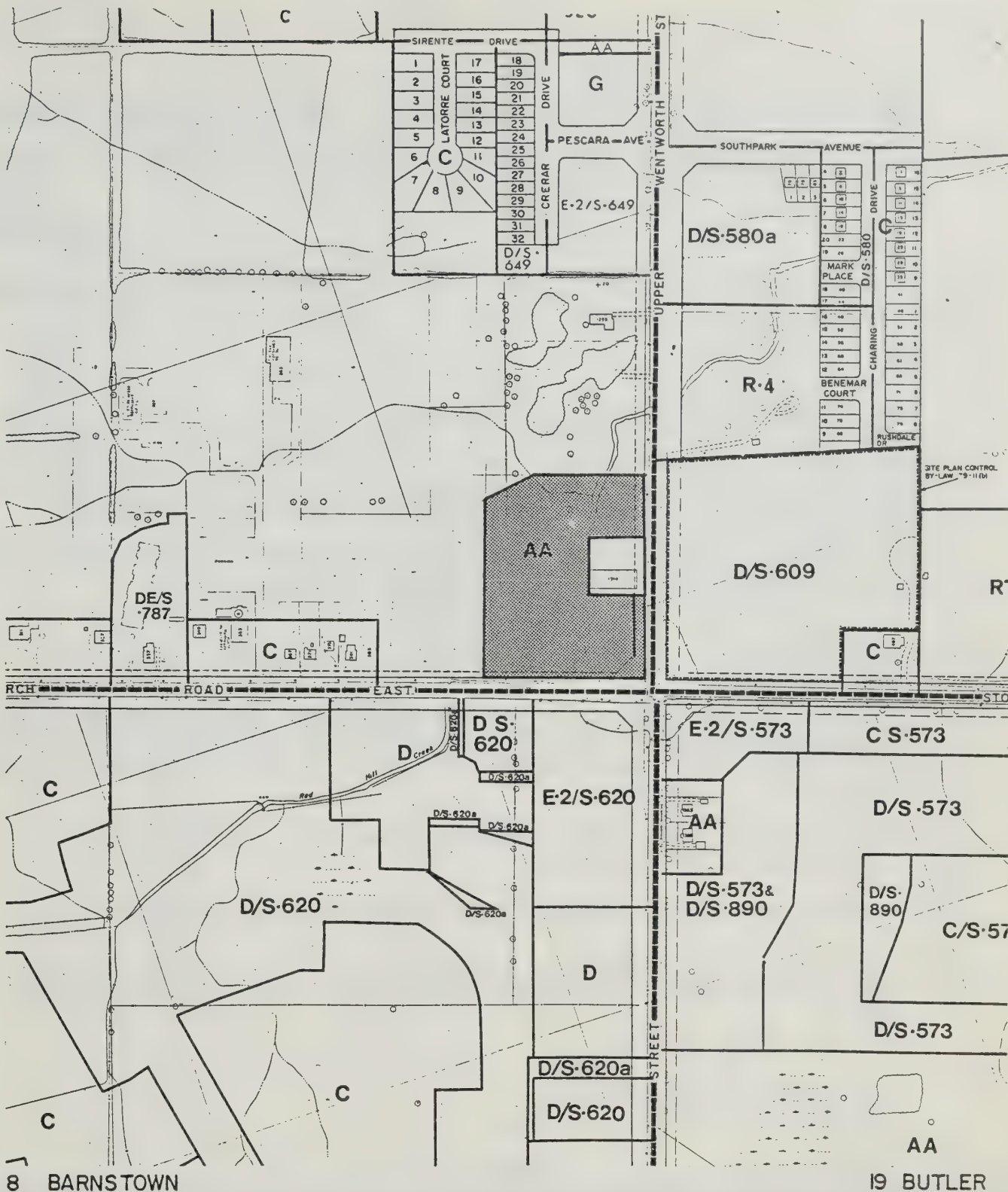
Approved On:

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

VJA/JPS/jd
M.P. DOC 03000

 12/87.




Drawing No.
87-H-30

F O R A C T I O N

FROM Planning and Development Department

DATE June 15, 1987

TO Planning and Development Committee

Refer to File No. DA-87-26
(ZA-86-36)
THORNER
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

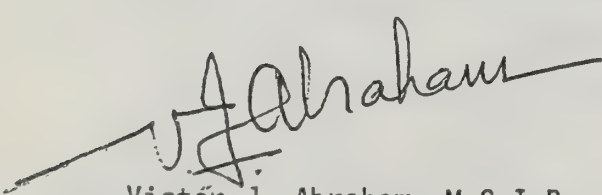
Plans have been submitted for development of a one floor commercial complex of approximately 9,904 m² (106,600 sq.ft.) to be located on the east side of Mall Road, south of Mohawk Road East. A total of 500 parking spaces are provided on the site with two access driveways from Mall Road and three access driveways from the ring road on the adjacent lands of Lime Ridge Mall.

A 3 m (10 ft.) wide landscape strip with a 1.8 m (6.0 ft.) high visual barrier is provided along the northerly and easterly property lines.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-26 by 679532 Ontario Limited, owner of the lands located on the east side of Mall Road, south of Mohawk Road East for development of a one storey commercial complex subject to the following:

- a) modification to the plans related to dimensions, notes and grades as marked in red on the plans;
- b) modification to the landscape plan as marked in red on the plans;
- c) provision of an agreement or a right-of-way for use of the existing "ring-road" located on adjacent lands to the south known as Lime Ridge Mall.

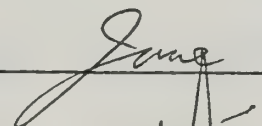
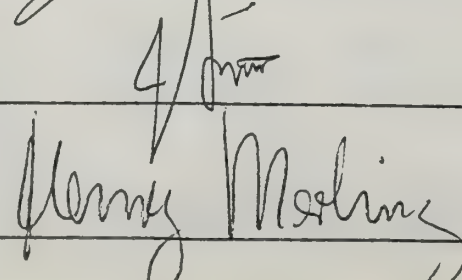

Victor J. Abraham, M.C.I.P.
Director of Local Planning

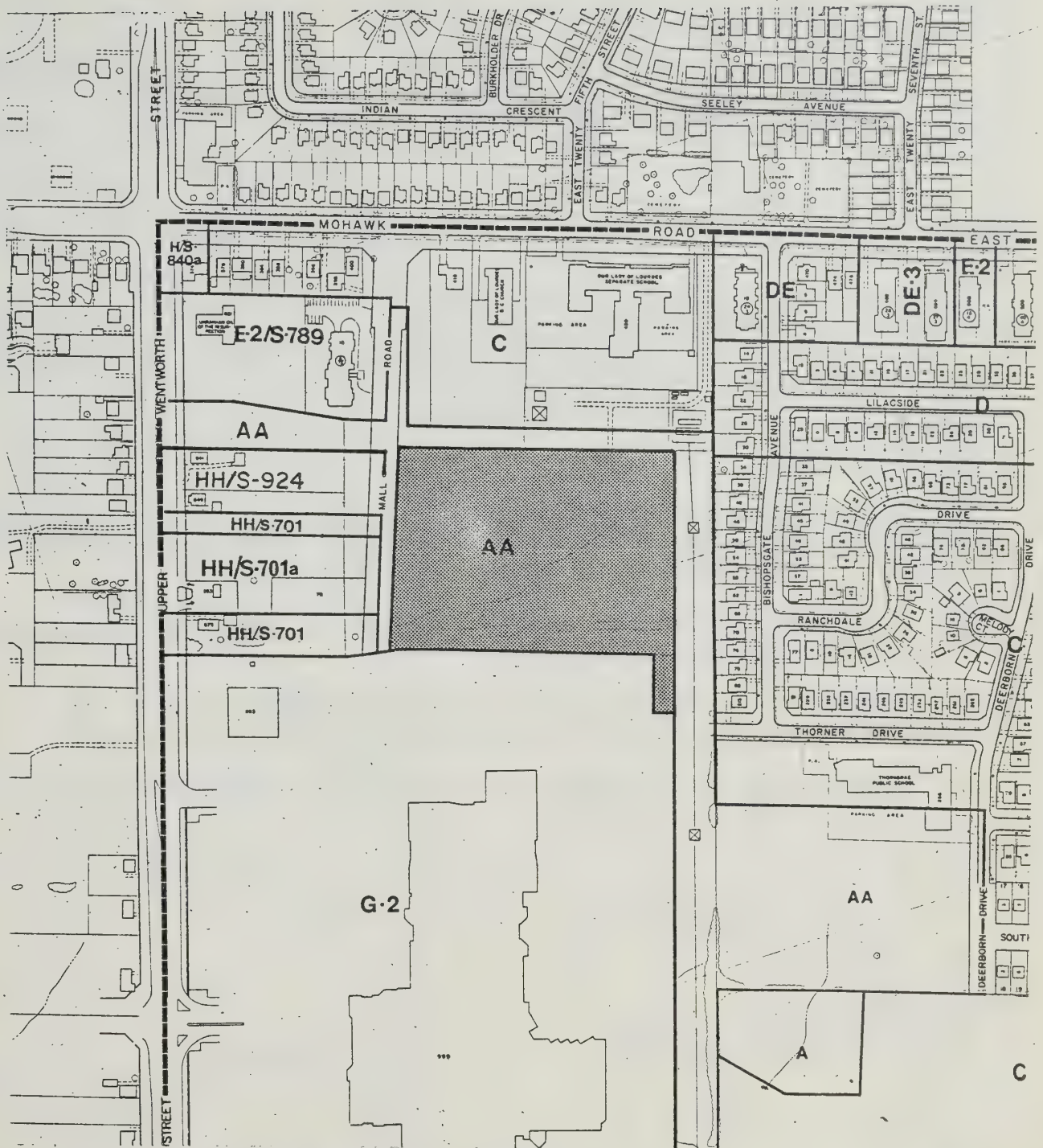
Approved On:

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

VJA/JPS/jd


June 16/87.




130 THORNER

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-26

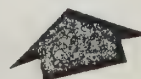
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-26

Drawing No.
87-H-31

F O R A C T I O N

FROM Planning and Development Department

DATE June 4, 1987

TO Planning and Development Committee

Refer to File No. DA-87-28

Attention Of V. J. Abraham

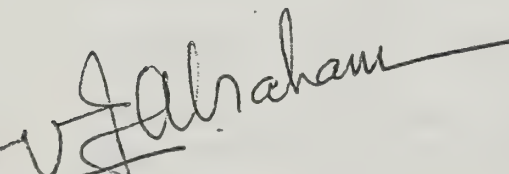
PROPOSAL

Plans have been submitted for two, 1-storey commercial buildings to be constructed at 875 Upper Wentworth Street. The two buildings will have a total gross floor area of 1,539 m² (16,564 sq.ft.) with 58 parking spaces and one loading space provided on the lot.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-28 by 570182 Ontario Limited, owner of the lands at 875 Upper Wentworth Street for a commercial development subject to the following:

- a) modification to the plan related to dimensions, notes, and landscaping as marked in red on the plans; and,
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.
- c) relocation of the Mall Road access toward the northerly property line as marked in red on the plans.

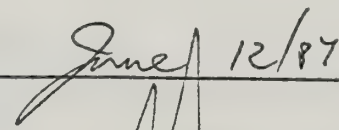
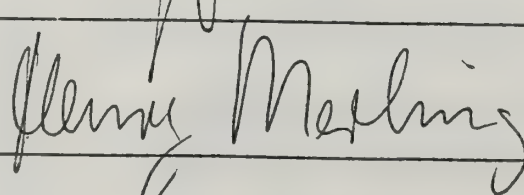

Victor J. Abraham, M.C.I.P.
Director of Local Planning

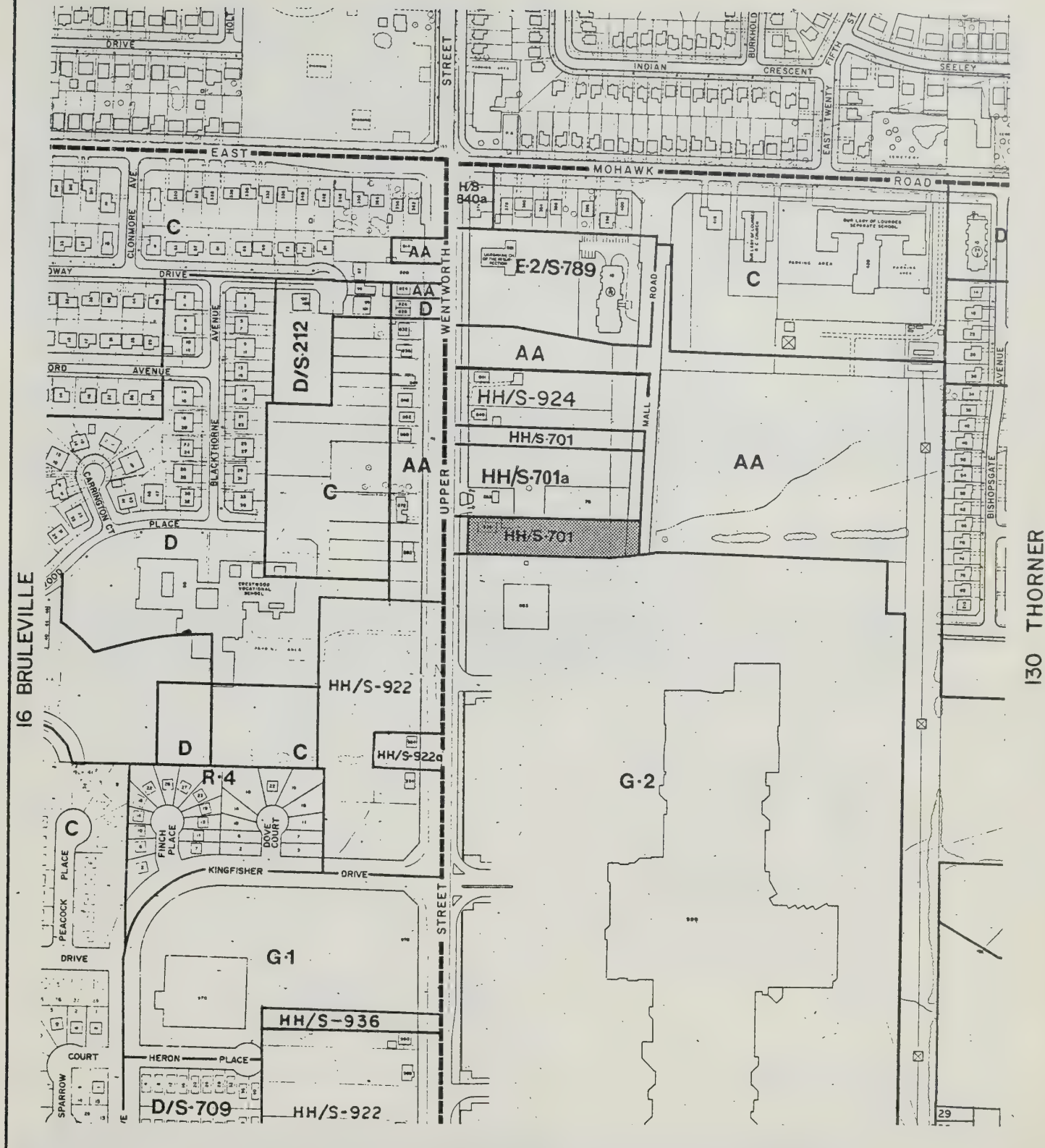
Approved On:

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-28

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-28

Drawing No.
87-H-33

F O R A C T I O N

FROM Planning and Development Department

DATE June 11, 1987

TO Planning and Development Committee

Refer to File No. DA-87-33
(DA-86-86)
BELFOUR
NEIGHBOURHOOD

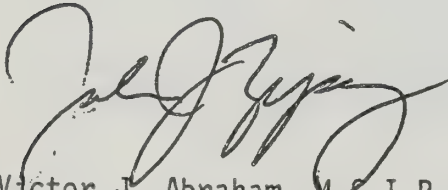
Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to amend approved plans of Site Plan Control Application DA-87-33 for erection of a compactor and a storage compound addition on the east side of the building at 751-777 Upper James Street. The plans are consistent with the plans approved by the Committee of Adjustment.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-33 by Ivanhoe Inc. (Steinberg Inc.) owner, of the lands at 751-777 Upper James Street, to amend approved plans of Site Plan Control Application DA-86-86 for erection of a compactor and a storage compound.


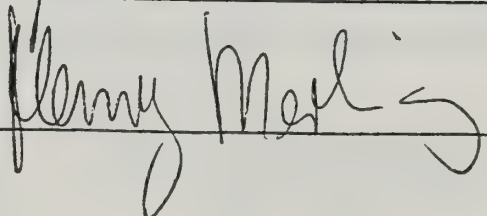



Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

June 16/87.



 VJA/JPS/jd
W.P.DOC.0390P

FOR ACTION

10.

FROM Planning and Development Department

DATE June 15, 1987

TO Planning and Development Committee

Refer to File No. P5-2-101

Attention of V. J. Abraham

SUBJECT

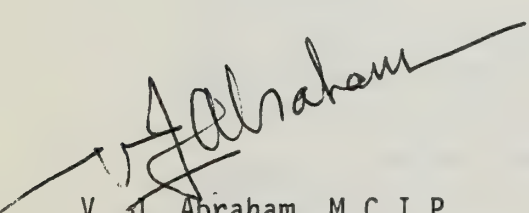
Proposed Plan for Mewburn Neighbourhood.

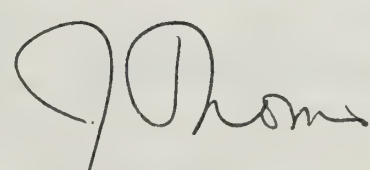
RECOMMENDATION

That the proposed Mewburn Plan (preferred option) and policies to the east of West Fifth Street, be adopted by Council.

EXPLANATORY NOTE

Municipal sewer services are available for the eastern portions of the neighbourhood. In accordance with Official Plan Policies, a Neighbourhood Plan has been prepared. The proposed Mewburn Neighbourhood Plan contains a land use plan and policies which incorporate energy efficiency and urban design considerations. Only the area to the east of West Fifth Street is recommended for approval since there are issues related to the area to the west of West Fifth Street which need further study.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

The neighbourhood plan for the Mewburn Neighbourhood is being prepared at this time due to the recent extension of sewer services to this area. A trunk sewer was extended to Upper James Street, in the vicinity of Rymal Road, in 1985, which provides sewer services for the south western portion of Mewburn. Another trunk sewer is to be extended to Upper James Street in 1987-1988, just north of Stone Church Road, to provide service for the north of the neighbourhood. The availability of sewers means that the area is available for development.

- o Background information related to the neighbourhood has been collected and published in a report dated November, 1987. This information on existing land use and other characteristics served as the basis for the preparation of the Plan.
- o The Official Plan designates Mewburn Neighbourhood for commercial generally along Upper James Street and for residential and institutional in the rest of the area.

NEIGHBOURHOOD PLAN

The Mewburn Neighbourhood Plan attempts to provide a functional and attractive living environment for the residents of the neighbourhood and a commercial area in the east of the neighbourhood. It is based on sound planning principles within the framework of the Official Plan.

- o APPENDIX 1 contains the Planning Department report dated February 11, 1987, outlining the objectives of the Mewburn Plan and recommending that a public meeting be held to discuss the proposed plan. This recommendation was approved at the Planning and Development Committee meeting of February 25, 1987.

PUBLIC MEETING AND SUBMISSIONS

A public meeting was held on March 18, 1987 to discuss the proposed Neighbourhood Plan. The minutes of the public meeting are attached as APPENDIX 2.

Submissions were received from the following:

- 1) Rosart Properties Inc.
- 2) Fortino's Supermarkets
- 3) T. D'Angelo, Solicitor of behalf of A. Sourdos, 1492 Upper James Street
- 4) Mr. R. Morris, 1452 Upper James Street
- 5) Bayfield Green Development Company
- 6) Mr. K. Ramey, 1041 West 5th Street
- 7) Mr. J. Lane, 1073 West 5th Street
- 8) Mrs. L. Henderson, 1150 West 5th Street
- Mr. & Mrs. D. Vallee, 1162 West 5th Street
- Mr. & Mr. L. Vallee, 1166 West 5th Street
- Mr. & Mrs. C. Vallee, 1172 West 5th Street
- 9) Mr. F. Rother, 1212 West 5th Street
- Mr. & Mrs. R. Paton, 1216 West 5th Street
- Mr. & Mrs. E. Follows, 1232 West 5th Street
- 10) Connor & Connor, Solicitors on behalf of H. Allison, 172 Rymal Road West
- 11) Mr. & Mrs. R. Ryan, 186 Rymal Road West

Location map, copy of submissions and solicitor letter re: McConnell Park is included in APPENDIX 3.

1 SUBMISSION

Mr. D. J. Rosart, Rosart Properties Incorporated, owners of 24 acres of land fronting on Upper James Street, Rymal Road West and West 5th Street made a submission to use the entire site for commercial purposes.

COMMENT

A market study carried out on behalf of the owner by Larry Smith and Associates justifies the need for additional commercial. The proposed shopping centre would not have any adverse impacts on existing and planned commercial development in the area. However the Regional Transportation Department requires further study to establish the exact location of accesses. It would be undesirable to permit vehicular access to the site from West Fifth Street. Such access would have adverse impacts on the existing and future residences on West Fifth Street, especially if this is downgraded from an arterial road.

Two options are available for buffering the existing dwellings on West Fifth Street from the proposed commercial development, namely:

- in the preferred land use plan, a row of single family homes is to be located along the east side of West Fifth Street, which provides good buffering.
- in the alternative land use plan, a landscaping strip 15.2 m (50 feet) in width would be provided at the edge of the commercial lands.

2 SUBMISSION

Mr. C. Fausto, Fortino's Supermarkets, owners of 1514 - 1530 Upper James Street, request that the entire depth of their property be designated to "Commercial" to permit a supermarket.

COMMENT

The commercial depths have been adjusted from Upper James Street to approximately 22.4 m (735 ft.). The remainder of the site is to be developed with adjacent land for single and semi-detached houses.

3 SUBMISSION

Mr. T. D'Angelo, Barrister & Solicitor, on behalf of Mr. A. Sourdos, 1492 Upper James Street objects to the proposed location of the mid-block collector road which would reduce the size of his client's property by approximately one-third and therefore would prevent the establishment of a car dealership by Mr. Sourdos. He feels that if a roadway is necessary, it should be moved northerly onto the property known as 1478 Upper James Street.

The proposed road alignment would then require approximately 20 feet of Mr. Sourdos' lands which would be an acceptable alternative. However, the first preference would be to eliminate the proposed roadway.

COMMENT

To shift the proposed location of the mid-block collector road as suggested would resolve Mr. Sourdos' concern. However, the proposed location of the mid-block collector lines up with the mid-block collector to the Ryckmans Neighbourhood. Land behind Mr. Sourdos' property would be available for commercial if he wishes to expand. No buildings are affected with the proposed location.

4 SUBMISSION

Mr. R. J. Morris, 1452 Upper James Street

I) suggested that the policies for Neighbourhood Commercial on page 4 of APPENDIX C, under sub-paragraph titled "Design" include the statement:

- fronts on commercial buildings located 24 m (80 ft.) from the front property line, with variable building depths.

This policy is presently included for both commercial development and commercial/retail warehouse, but not for neighbourhood commercial. The draft policy would allow a 4 storey building within about 5.5 metre (18 ft.) of the road allowance at the mid-block collector road. In his opinion, this does not provide for an attractive streetscape and appropriate visual appearance of 4 storey buildings.

COMMENT

The Plan foresees a neighbourhood commercial development to the south of Mr. Morris' property. Four storey would be a desirable intensity, since the whole of Upper James Street frontage is planned for commercial. It seems appropriate that side yard and front yard setbacks be established at the time of zoning. The current "G" zoning (Neighbourhood Commercial) abutting the residential "C" zoning requires a front yard setback of 20 feet and a 4 feet side yard setback. While the existing owner lives in this existing dwelling, protection for this property should be provided, in a form such as buffering, set backs, and appropriate height of new buildings to prevent overshadowing of the existing dwelling.

II) Objects to the proposed closure of West 5th Street

COMMENT

This proposed road closure will be dealt with at a later date, at the time that the plan for the western half of the neighbourhood is finalized.

5 SUBMISSION

Mr. G. Grant, on behalf of Bayfield Development Company, prospective owner of approximately 9.4 acres known as 1416 Upper James Street made a submission to extend the depths of the commercial designated area and is suggesting single family lots for the remainder of the site.

COMMENT

The commercial depths have been adjusted accordingly. The location of residential lots and the local streets have been shifted to the west, to allow for the increased commercial depths.

6

SUBMISSION

Mr. K. Ramey, 1041 West 5th Street suggested that the local roads to the south of his house be shifted southward to provide him with a larger side yard for his existing dwelling.

COMMENT

The proposed roads have been adjusted accordingly.

7

SUBMISSION

Mr. J. Lane, 1073 West 5th Street opposed to the use of part of his property for roadway purposes.

COMMENT

The proposed road has been adjusted to exclude his property from being used for road purposes.

8

SUBMISSIONS

Mrs. L. Henderson, 1150 West 5th Street
Mr. & Mrs. D. Vallee, 1162 West 5th Street
Mr. & Mrs. L. Vallee, 1166 West 5th Street
Mr. & Mrs. C. Vallee, 1172 West 5th Street

I) are opposed to the proposed closure of West 5th Street

COMMENT

This proposed road closure will be dealt with at a later date at the time that the plan for the western half of the neighbourhood is finalized.

II) Object to the proposed 80 feet building setback on Upper James Street

COMMENT

The proposed 80 feet building setback is needed to allow front yard parking, landscaping and service road concept to be coordinated. This is standard for Upper James Street.

- III) Suggest realignment of the proposed road relative to their properties.

COMMENT

The proposed road pattern as shown is a guide only. It is not always possible to design a functional road pattern which incorporates all existing lot lines. The actual road locations are established when the land is being subdivided.

- IV) Noted that the City land known as McConnell Park, according to their recollection, can not be used for any purposes other than park development.

COMMENT

We have consulted with the City Solicitor's Department and there is no covenant on title that the land is to be used for park purposes only (see attached correspondence APPENDIX 3).

9

SUBMISSIONS

Mr. F. Rother, 1212 West 5th Street
Mr. & Mrs. R. Paton, 1216 West 5th Street
Mr. & Mrs. E. Follows, 1232 West 5th Street

are opposed to the proposed closure of West 5th Street.

COMMENT

This proposed road closure will be dealt with at a later date, at the time that the plan for the western half of the neighbourhood is finalized

10

SUBMISSION

Connor & Connor, solicitors on behalf of Mr. & Mrs. H. Allison, 172 Rymal Road West

- I) Object to the Neighbourhood boundary bisecting their property. They feel this division will leave them to deal with another neighbourhood plan in the future.

COMMENT

To be dealt with later.

- II) Opposed to the proposed roads on his property because:

- a) it divides the property;
- b) it eliminates the barn and horsetrack;
- c) it makes the land virtually unuseable; and,
- d) he does not see the need for the proposed road to Rymal Road and the park site.

COMMENT

To be dealt with later.

- III) Does not agree with the Official Plan policy concerning the widening of Rymal Road West

COMMENT

The City Official Plan designates Rymal Road as an inter-regional highway with a road width of 36 m (120 ft.). This road is also known as Provincial Highway No. 53. The Regional Official Plan also designates the road as an inter-regional highway.

- IV) Questions the closure of West 5th Street. He suggests that the proposed road which divides this property to be excluded from the Plan.

COMMENT

To be dealt with later.

11 SUBMISSION

Mr. & Mrs. R. Ryan, 186 Rymal Road West

Agree with the overall planning concept. However, they feel that there would not be sufficient traffic to warrant turning lanes on the proposed roadway adjacent to their property, which would bring the traffic flow closer to the existing houses.

COMMENT

To be dealt with later.

ANALYSIS

Most of the objections to the plan east of West Fifth Street can be accommodated by adjustment of boundaries. The major change would be the extension of commercial use in the south east of the neighbourhood. This is justified by a market study but is still subject to further traffic analysis. An Official Plan amendment will be needed and should be processed at the same time as the zoning application.

The possible closing of West Fifth is a major issue. Those that want the road closed fear increased traffic. Those that wish the road to remain open would like quick access out of the neighbourhood. A realignment of West Fifth is proposed to try to accommodate both wishes. This proposal would be in conjunction with residential development in McConnell Park which would reduce the cost of the road and provide money for parks purposes. It appears that 40 acres of parkland is more than the area needs to provide facilities for the community neighbourhoods. The area does not seem suitable for a city wide facility since access is from West Fifth Street, a minor arterial. However these issues need further examination. Since sewer services will not be available for some years it is appropriate for the adoption of this part of the plan to be deferred.

CONCLUSION

The attached plan should be adopted as Council policy to guide the development of the neighbourhood to the east of West Fifth.

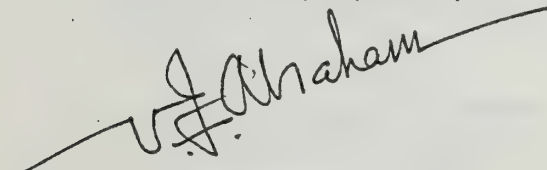
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F O R A C T I O NFROM Planning and Development DepartmentDATE February 11, 1987TO Planning and Development CommitteeRefer To File No. P5-2-101Attention Of V. J. AbrahamSUBJECT

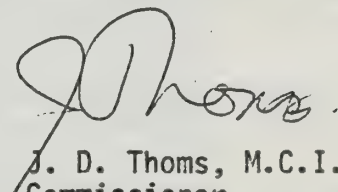
Proposed plan for Mewburn Neighbourhood.

RECOMMENDATION

That the Planning and Development Committee authorize a public meeting to discuss the proposed plan.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The availability of a trunk sewer along Upper James Street provides an opportunity for adjacent land to be subdivided. A proposed plan for the Mewburn Neighbourhood, when approved, will guide land uses and development activity.

BACKGROUND

The Region has installed trunk sewers from 1492 Upper James Street to Rymal Road.

The Official Plan designates the area along Upper James Street for Commercial, Major Institutional and Residential uses. The Official Plan requires the preparation of a neighbourhood plan prior to development of the neighbourhood.

Background information has been collected and published in a report dated November, 1986. Policies have been developed using the background report dated November, 1986.

THE PLAN

The plan attempts to achieve the following objectives within the framework of the Official Plan:

- A Commercial strip along Upper James Street worthy of a major entrance to the city, including a retail warehouse area, a major commercial area at Rymal Road and Upper James Street and a neighbourhood commercial centre at the mid-block collector.
- A residential neighbourhood with a school in the interior of the neighbourhood and a major park on the west side of the neighbourhood.
- A residential density of a maximum of 35 persons per acre.
- A road layout which discourages through traffic and minimizes the number of access onto arterial roads.
- Good urban design including preservation of natural features and attractive buildings.
- Energy efficient.

CONCLUSION

A public meeting should be held to obtain input from affected citizens prior to a report being taken to the Planning and Development Committee with final recommendations.

GG:cs
WPD0C 3158P

MINUTES OF PUBLIC MEETING

PROPOSED PLAN

MEWBURN NEIGHBOURHOOD

WEDNESDAY, MARCH 18, 1987 AT 7:30 P.M.
ROOM 233, CITY HALL
(UNDER THE AUSPICES OF THE
PLANNING AND DEVELOPMENT COMMITTEE)

ATTENDING

Alderman D. Ross, Chairman for the evening meeting
David Godley, Planning Department
Gerry Groppler, Planning Department
Karl Lapins, Regional Engineering Department
Roland Karl, City Traffic Department

and about 70 citizens.

PRESENTATIONS

Alderman Ross opened the meeting and explained that it was an information session during which the proposed plan and policies for the Mewburn Neighbourhood would be discussed. He asked the citizens to submit their comments in writing by April 21, 1987. All residents of the neighbourhood will be invited to attend this second meeting. The citizens were invited to express their views.

David Godley gave a presentation on the proposed plan and policies. He explained the various planning principles used in determining the policies, land use pattern and road pattern.

DISCUSSION

The following comments were made by neighbourhood residents concerning the proposed plan.

1. Edward Follows, 1232 West 5th Street

a) Opposed to closure of West 5th Street

David Godley explained that there would be some benefits to closing West 5th Street such as limiting through traffic. Traffic volumes would grow in the future perhaps requiring a four lane road. Any road closure would only be considered when the neighbourhood is developed and with the residents approval.

b) Concerned about loss of frontage along West 5th Street.

The proposed road closure of West 5th Street can be adjusted.

2. Robert Morris, 1452 Upper James Street

Opposed to the proposed setback of the Neighbourhood Commercial. Would like a uniform setback of 80 feet as proposed for the commercial and retail warehouse areas on Upper James Street.

David Godley explained the concept and uses of a Neighbourhood Commercial area. Pointed out that details such as setback and height would take into consideration adjacent existing houses and location.

3. Lucille Henderson, 1150 West 5th Street

Feels that closing West 5th Street will make it difficult to reach the arterial road system.

David Godley explained that we would look into improving the proposed street system. Pointed out the benefits a closure of West 5th Street would have for the residents.

4. Josef Dallak, 1248 West 5th Street

- a) Questioned the need and location of the walkway on his property.

David Godley described the function of a walkway and noted that the location is flexible.

- b) Supports the closure of West 5th Street.

5. James Ends, 1187 West 5th Street

- a) Asked how flexible the lot depths are and what the minimum lot depth would be.

David Godley pointed out that lot depths are mainly planned to be 100 feet but in his case there would be flexibility if the cul-de-sac were shortened.

- b) Supports the closure of West 5th Street.

6. Harley Allison, 172 Rymal Road West

- a) Asked how wide the proposed road from Rymal Road to the park site would be.

David Godley explained that the proposed road widths vary from 86 feet at Rymal Road to 66 feet in the interior.

- b) Asked when the road would be constructed.

The timing of the road construction is up to the owner or subdivider, when the land is being subdivided.

- c) Is opposed to the proposed road because he does not want the West 5th Street traffic and proposed stoplight.

The road as proposed is not a substitute to carry out the function of West 5th Street. It is to provide access and egress to the interior of the neighbourhood and park. A stoplight will only be installed when traffic movements require one.

- d) Asked why his total property is not shown within in the Mewburn Neighbourhood.

The westerly neighbourhood boundary was established when the West 5th Street realignment was proposed in past plans which cut across the property.

7. Robert Williams, 164 Rymal Road West

- a) Opposed to the proposed road from Rymal Road to the park and proposed stop light.

David Godley pointed out that the proposed road is to serve the interior development.

Roland Carl said that from a traffic point of view, the location of the stoplight would fit in with the signal progression on Rymal Road. Also it would be of benefit for the turning movements.

- b) In favour of keeping West 5th Street open.

8. Alexander Sourods, 1492 Upper James Street

Objects to the proposed road on his property.

David Godley explained that the proposed midblock collector road on James Street is to provide for traffic and pedestrian movements to the interior of the neighbourhood. It would also provide for vehicle and pedestrian access to the neighbourhood commercial locations.

9. William Ryan, 186 Rymal Road West

- a) Asked how much road widening would be required from his property.

David Godley stated that the road widening for 186 Rymal Road West is 44 feet, partly from the north side and partly from the south side.

- b) Asked what the proposed road right of way width for Rymal Road would be. .

The proposed road right of way width for Rymal Road is 120 feet.

10. Graham Boutilier, 41 Stone Church Road West

Would like to know the timing of the extension of sewer services to Stone Church Road West.

Karl Lapins gave an overview of sewer services, timing and the present local improvement requirements for obtaining sewer services on existing streets such as Stone Church Road West and Upper James Street. The westerly trunk sewer extension to West 5th Street North of Stone Church Road is planned for completion in 1989. Local sewers along existing streets could follow immediately, but require initiative by the Region or the residents under the Local Improvement Act provisions. Interior sewers would have to be installed by the private sector when the land is subdivided. The construction of the sewer services along Upper James Street South of Stone Church Road is essential for the outlet from the interior of the neighbourhood.

11. Harvey Caron, 1508 Upper James Street

Asked whether the 80 feet proposed setback would affect existing buildings.

David Godley explained that existing buildings are exempt from the 80 feet setback.

12. Lucille Henderson, 1150 West 5th Street

Asked what the proposed lot depths on West 5th Street would be.

David Godley said that the average lot depths for subdivisions are 100 feet, but there may be flexibility in certain cases.

13. Paul Simpson, 1240 West 5th Street

a) Suggested a stoplight at West 5th Street and Rymal Road West.

Roland Carl said that the Traffic Department is monitoring the intersection. To date there is not sufficient traffic to warrant a stoplight at this location.

b) In favour of keeping West 5th Street open.

14. Joseph Bador, 53 Stone Church Road

a) Asked whether taxes would increase when sewer services are available.

Alderman Ross explained that property taxes are assessed according to market value. Separate charges are levied for local improvements such as sewers.

b) Asked how wide the road pavement on Stone Church Road West would be.

David Godley said that pavement widths on Stone Church Road could increase to approximately 44 feet, with two lanes in each direction.

15. Wills Lingelbach, 1073 West 5th Street

Is concerned that the proposed road is too close to his house.

David Godley explained that we will review the proposed road location.

16. Kenneth Ramey, 1041 West 5th Street

Asked how far the proposed road is from his house.

David Godley explained that the distance between the house and the proposed road measures approximately 5 feet and, in addition, about 14 feet to the future sidewalk.

Based on a show of hands, about half of the residents present were in favour of the proposed closure of West 5th Street. The other half would like West 5th Street to remain open.

Alderman Ross summed up this meeting by thanking the residents and property owners for attending.

He invited the citizens to submit written submissions by April 21, 1986. Invitations to attend the submission review meeting will be sent to all residents of the neighbourhood.

The meeting adjourned at 9:30 p.m.

G.G:nd

W.P. DOC. 0434P

Appendix 3
LOCATION OF SUBMISSIONS

Map showing the location of submissions (1-11) in the Mewburn area, Hamilton, Ontario. The map includes property boundaries, owner names, and submission numbers.

Submissions and Owners:

- 1: ROSART PROPERTIES
- 2: FORTINOS SUPERMARKETS LTD.
- 3: T. D'ANGELO FOR A. SOURDOS
- 4: R. MORRIS
- 5: BAYFIELD GREEN DEVELOPMENT CO.
- 6: K. RAMEY
- 7: J. LANE
- 8: L. HENDERSON, D. VALLEE, I. VALLEE, C. VALLEE
- 9: F. NOTHER, R. PATON, E. FOLLOWS
- 10: CONNOR & CONNOR FOR H. ALLISON
- 11: R. RYAN

Streets: STONE CHURCH ROAD, RYMAL ROAD, UPPER JAMES STREET, WEST FIFTH STREET, CHELSEY STREET.

City of Hamilton Planning Department
MEWBURN

North arrow pointing North.

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- Submission 11: R. RYAN

Streets: STONE CHURCH ROAD, RYMAL ROAD, JAMES STREET, WEST STREET, CHELSEA STREET, UPPER STREET, LOWER STREET.

City of Hamilton Planning Department
MEWBURN



ROSART
PROPERTIES INC.

March 19, 1987

Mr. Victor J. Abraham
Director of Local Planning
Planning & Development Department
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

Re: Submission - Mewburn Neighbourhood
Public Meeting March 18, 1987

Rosart Properties Inc. are the owners of 24 acres of land fronting on Upper James Street and Rymal Road in the Mewburn Neighbourhood. We have submitted for your review a site plan of a proposal which includes a retail shopping centre of approximately 270,000 square feet, a hotel area which could accommodate 120-160 rooms and a garden office building of approximately 30,000 square feet. This project is designed to serve the retail needs of the trade area, the accommodation needs of the industrial sectors of the Mountain and Airport and the commercial office needs resulting from both of the above in this core area.

As you recall in 1984, when the plan was first proposed to the Planning and Development Committee, it was enthusiastically supported pending services and a market demand review. We retained Larry Smith & Associates Ltd. and copies of their study were presented to the Planning Department for their review in January of this year. The most salient points of this study are listed by its author, Douglas Annand, in the attached, along with an outline of the trade area and recommended retail size and uses.

With respect to the hotel and office portions of the plan, we believe that Upper James and Rymal Road will have a very dominant place in the long run development of the Hamilton Mountain. The Airport expansion and the recently approved expressway will provide a strong boost to the industrial growth of Regional Hamilton and we believe our site is of sufficient size and suitably located to service the resulting needs of this growth.

.... /2

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Page 2

Adaptation of our plan to the proposed plan does not seem to present any major problems if the sentiments raised at the meeting are accurate. No-one objected to or questioned the size of the commercial area. About 50% of the residents present wished to maintain West 5th open and perhaps even more would have opted for the street being only partially closed. Accommodation of our plan would, of course, require all the lands to be used for the development. The project could be suitably buffered from the residential areas on the west and south with berms and landscape along road allowances and accesses could be limited to the south end of West 5th.

We would be more than happy to meet with those homeowners directly affected by the project should you feel it is necessary.

Yours truly,
ROSART PROPERTIES INC.

Dominic J. Rosart

DJR/mo

Encs.

COMMUNITY SHOPPING CENTRE
MARKET DEMAND AND IMPACT ANALYSIS
UPPER JAMES STREET/RYMAL ROAD
HAMILTON, ONTARIO

In the Fall of 1986, Larry Smith & Associates Ltd. was retained by Rosart Properties Inc. to conduct an analysis of the market characteristics and competitive structure in the Hamilton Mountain area and evaluate the additional market potential for a community shopping centre at Upper James and Rymal. This study was also intended to address the question of potential impact which could be created by this community shopping centre on existing retail and service facilities on Hamilton Mountain.

Having completed this analysis using a study methodology which incorporates detailed in-home telephone consumer surveys and a conservative residual study approach, we established the following major findings:

- o It is our conclusion that the community shopping centre proposed including approximately 275,000 square feet gross leasable area of retail and service space, with a discount or promotional department store of 90,000 square feet and a major supermarket of at least 60,000 square feet, would be warranted in this market with an opening date sometime in 1989.
- o The shopping centre would be located in a rapidly developing section of Hamilton and the future population levels in this area would support this retail development.
- o The future income and expenditure levels in this market indicate sufficient potential to support not only this facility but the existing and proposed competition in this market.
- o We have examined the site of the proposed centre and its relationship to adjacent land uses, as well as the access system in this portion of Hamilton. We would consider the property as a viable location for a community shopping centre from both a physical and locational point of view.

- o We have also undertaken an inventory and evaluation of all competitive retail facilities in the Hamilton Mountain trade area and have established that they are capable of withstanding any potential impact which may be created with the opening of the proposed community shopping centre. We would conclude that any sales transfers which may occur will represent a very small portion of the local trade area support for existing stores and will not be detrimental to the economic well being of the existing retail facilities.
- o We have also determined based on our consumer survey that a substantial portion of local expenditures are currently leaving the Hamilton Mountain trade area. With the development of this facility, the current outflow of expenditures could be reduced as a wider range of retail commercial stores are provided to serve trade area residents' current needs.

As a general conclusion, we believe that the centre as proposed and as indicated on the recommended development schedule attached, will not only be an important and viable addition to the retail structure of Hamilton Mountain, but will not jeopardize the viability of existing facilities in this market.

RECOMMENDED DEVELOPMENT SCHEDULE

<u>Food Stores</u>	<u>Proposed Space (1)</u> <u>(Sq. Ft. GLA)</u>
Supermarket	55,000 - 65,000
Specialty Food	<u>2,000 - 3,000</u>
Total Food Stores	55,000 - 65,000
<u>DSTM</u>	
Discount Department Store	85,000 - 95,000
General Merchandise	7,000 - 9,000
Apparel/Accessories	30,000 - 35,000
Household Furnishings	10,000 - 15,000
Drugs	6,000 - 8,000
Other Specialty DSTM	<u>20,000 - 25,000</u>
Total DSTM	165,000 - 180,000
<u>Services</u>	
Eating and Drinking Facilities	8,000 - 10,000
Personal Services(2)	3,000 - 5,000
Financial Services(3)	4,000 - 6,000
Theatres	10,000 - 15,000
Medical/Dental and Other Offices and Services(4)	<u>10,000 - 12,000</u>
Total Services	<u>40,000 - 45,000</u>
TOTAL SHOPPING CENTRE	<u><u>260,000 - 290,000</u></u>

SOURCE: Larry Smith & Associates Ltd.

1) Measured in terms of gross leasable area.

2) Includes: barber shop, beauty salon, laundry/dry cleaner, shoe repair, etc.

3) Includes the branches of banks, trust companies and credit unions.

4) Other offices and services include: real estate, legal, accountants, photographer, lottery booth, etc. (For a full list see Appendix E).



FC:ec

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	BLUD		
X	A	OG	
	E		
	CART.		
	ADMIN		

B.A., LL.B.

SUITE 105
1039 UPPER JAMES STREET
HAMILTON, ONTARIO L9C 3A6

April 10, 1987

Dear Sir:

Re: Proposed Development - Mewburn
Neighbourhood, West of Upper
James Street between Stone Church
Road West and Rymal Road West
Your File Number P5-2-101

I am the solicitor for Mr. Alex Sourdos, the registered owner of 1492 Upper James Street, which immediately abuts the proposed development on the south.

It is my understanding that a meeting was held on Wednesday, March 18, 1987, in order to consider future development for the Mewburn Neighbourhood. In this regard, I understand that the proposal consists of construction of a roadway between 1492 and 1478 Upper James for the purpose of providing access to the lands at the rear of the subject property.

Mr. Sourdos is very much opposed to the proposed roadway in light of the fact that he has spent a great deal of time and money in rezoning his land holdings for the purposes of establishing a car dealership. This rezoning was recently approved on a temporary basis, provided that certain conditions were complied with. In order to comply with the conditions, Mr. Sourdos has spent at least \$10,000.00 in fencing and landscaping! At no time during the lengthy rezoning procedure was Mr. Sourdos ever advised that a roadway was being proposed and that approximately one-third of his property would be required in order to construct this roadway. The proposal, if implemented, would completely destroy the intended use that Mr. Sourdos wishes to establish. Furthermore, it would greatly devalue the fair market value of the property by substantially reducing the actual frontage on Upper James Street.

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April 10, 1987

Re: Proposed Development
Mewburn Neighbourhood
Your File Number P5-2-101

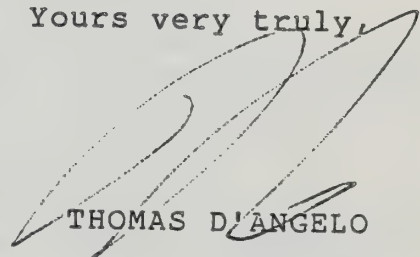
My client wishes to advise you that if a roadway is necessary, it should be moved northerly to the northern boundary of municipal number 1478 Upper James Street, which will have to be expropriated in its entirety anyway. If the proposed roadway is realigned in accordance with this suggestion, then you will only require approximately twenty feet (20') of Mr. Sourd's property and he would still be able to establish his car dealership business and the decrease in property value would also be minimized.

Should you be prepared to realign the roadway as above-noted, I am sure that Mr. Sourd's would reconsider his objection to the proposed development.

Please consider the above and advise the writer by return mail of the Region's position with respect thereto.

I thank you for your anticipated cooperation herein.

Yours very truly,



THOMAS D'ANGELO

TDA/sr
c.c. Mr. Alex Sourd's

ROBERT J. MORRIS, P.ENG.

1452 UPPER JAMES ST.

HAMILTON, ONTARIO

CANADA L9B 1K3

March 30th, 1987

Mr. Victor J. Abraham,
Director of Local Planning,
Planning and Development Department,
City Hall,
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Reference: MEWBURN NEIGHBOURHOOD PLAN POLICIES

Dear Sir:

Allow me to formally recommend that the draft of the above policies dated February, 1987 be changed to add, on Page 4 of Appendix C, under sub-paragraph titled "Design" the statement:

- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.

This policy is presently stated for both commercial development and commercial and retail warehouse, but not for neighbourhood commercial. Consequently, at present the draft policy would allow a 4 storey building within about 5.5 m (18 ft.) of the road allowance at the mid-block collector road.


The policy, in several places, makes reference to the corridor being an important entrance into the city, and that the policy is to ensure an orderly and attractive streetscape for this corridor.

Visualizing the appearance of 4 storey buildings sitting out near the road while all other buildings are set back does not conjure up an attractive streetscape in my mind.

.... 2

I would also like to record my objection to the proposed closing of West 5th Street. Since it is a 4 lane road north of Limeridge and directly connects to a mountain access route, it makes more sense to instead close Upper Wentworth or Upper Gage which do not have a direct mountain access.

Yours sincerely,



Robert J. Morris

RJM/lm

cc: Don Ross

April 22, 1987.

The Regional Municipality
of Hamilton-Wentworth
Planning & Development Department
71 Main Street West
Hamilton, Ontario.
L8N 3T4

*Held for
\$200.*

Attention: Mr. Glen Whitehouse, Director of Planning.

Re:
Proposed Rezoning at Upper James Street & Stone Church Road,
Concession 8, Town of Barton, 9.411 acres.
Mewburn Neighbourhood Plan.

Dear Mr. Whitehouse:

In consideration of the proposed rezoning under the Mewburn Neighbourhood Plan, our company would like to suggest the following be allowed on our site:

- 1) A Nursery and Craft Centre with outside storage
- 2) A Home Improvement Centre with outside storage
- 3) The retention of the existing Fast Food Restaurant
- 4) The balance of space full retail-commercial
- 5) The development of a road pattern allowing single family lots approximately 40' X 100' in size.
- 6) A 40'-0" Right of Way for sewer easement.

All generally as shown on the attached site plan.

We feel that our proposal follows the intent and general concept of the Mewburn Neighbourhood Plan.

Please contact me if you have any comments or questions.

Yours truly,
Bayfield Green Development Company

Gary Grant

PER Gary Grant, Executive Vice President.

GG:sw

cc: H. Green
M. Mendelow

6.4	LIGHTING	27
6.4.1	INTRODUCTION	27
6.4.2	OBJECTIVES	28
6.4.3	POLICY	28
6.4.4	ACTIONS	28
6.5	SIGNAGE	28
6.5.1	INTRODUCTION	28
6.5.2	OBJECTIVES	29
6.5.3	POLICY	30
6.5.4	ACTIONS	30
SECTION 7	LAND USE	31
7.1	INTRODUCTION	31
7.2	OBJECTIVES	32
7.3	POLICIES	32
7.4	ACTIONS	32
SECTION 8	IMPLEMENTATION	34
8.1	INTRODUCTION	34
8.2	OBJECTIVES	34
8.3	POLICIES	35
8.4	ACTIONS	38
SECTION 9	PERMIT APPLICATIONS	39
9.1	PROCESS	39
9.2	INFORMATION REQUIRED	39
9.3	INSPECTION	40

ILLUSTRATED HERITAGE CONSERVATION GUIDELINES

SECTION 1 INTRODUCTION

1.1 PURPOSE OF THE PLAN

This plan presents an unparalleled opportunity for James Street North in the City of Hamilton. The opportunity basically is to

- . Conserve a superb historic streetscape
- . Strengthen a community and its aspirations
- . Enhance business and investment.

The opportunity and occasion of this plan should not be underestimated or squandered. It presents the first time when the physical, social and economic substance of James Street North has been researched, public meetings held and a plan prepared. The plan is bold and invigorating because James Street North has the capability of being a truly splendid urban place. The basic ingredients are present - a beautiful historic building stock, close proximity to the city centre, a resident community with a strong sense of identity and a long established business presence. Today to the untutored eye this potential may be hard to imagine. Many of the original historic buildings have been covered over, windows have been boarded up, embellishments painted over, signs and wires smother the streetscape and traffic overloads the environment. To the tutored eye however the street has immense unrealized opportunities.

Fundamentally therefore this plan is about realizing opportunities for James Street North. The fact that it is being prepared under the umbrella of a heritage conservation district plan is natural. Historically James Street North has been the centre of commerce, government and institutions in the city as is evidenced today by its substantial and splendid architectural heritage. However heritage planning is not just about buildings even though this is a distinctive feature. It is also about a streetscape of streets, traffic, car parking, landscaping, lighting, signage and pedestrian amenity. It is about a community and its values and identity. It is about business, investment and the local economy. It is about these and many more features that make the particular community of James Street

North, and how they may be fused into an effective whole. Without this effective fusion the result is inevitably weakened. Rehabilitating the upper floors of the building stock for residential use will not be successful if the street is heavily loaded with fast, noisy and polluting traffic. Conserving the appearance of an historic building facade will be defeated if it is covered by hanging signs. Investment in a business premises is lessened if there is insufficient convenient car parking.

The weakness of James Street North has been its lack of a coherent plan and vision. It has become shaped by independent, unrelated and counter-productive actions.

An overall plan is vital. Attractive, successful and prosperous street-scapes do not simply happen. They must be carefully and thoroughly planned and managed. Each and every part must be carefully designed and balanced against the whole. This basically is the intent of this plan. An intent to evolve an attractive, functional and distinctive streetscape that mirrors local character and inspires city pride.

In conclusion, the James Street North Heritage District Plan holds the opportunity for James Street North to become a great part of the City of Hamilton and a healthy contributor to the economy, the tax base, employment and tourism as well as enriching the lives of those who live and work in the area.

1.2 THE DISTRICT

The following text and maps noted as Schedules "A" and "B" shall constitute the Heritage Conservation District Plan for James Street North in the City of Hamilton. The plan focuses on the area shown on Schedule "A".

SECTION 2 ACHIEVING THE PLAN

The purpose of this plan is to analyse the historic James Street North district in the City of Hamilton, undertake a program of public meetings related to the analysis and arrive at a set of policies to ensure the district's long term viability, conservation and enhancement. The resultant plan will be achieved by

- | | |
|---------------------|---|
| Creating | a process whereby the future development of the district can be related to the goals and policies of plan. |
| Guiding | future development to ensure that the historic character and human scale of the district are preserved and enhanced. |
| Instituting | a public participation process to ensure that the plan's objectives and policies, both now and in the future, reflect the needs of the community. |
| Establishing | a program for the implementation of the plan's objectives and policies through public and private administration. |
| Providing | a liaison between provincial and municipal programs and the individual property owners in the district. |
| Appointing | a James Street North Plan Committee to administer and promote the plan. |
| Establishing | the base for a revision to the official plan and restricted area (zoning) by-law for the City of Hamilton as it pertains to James Street North. |

SECTION 3 ASSUMPTIONS

This plan is based on assumptions and information developed and derived from two main sources. The first source is from the planning studies, research and steering committee meetings carried out and which are contained in the appendices. The second source is from the official plan for the City of Hamilton. From these sources a set of basic assumptions have been formulated upon which this heritage conservation district plan has evolved.

**Physical
Environment**

1. That James Street North is a district of significant architectural and historical value worthy of preservation and enhancement under the Ontario Heritage Act.
2. That James Street North has an historic building stock that should be conserved and maintained.
3. That new development on James Street North should complement and strengthen the historic character of the area.
4. That the supporting physical infra-structure including transportation, streets, car parking, landscaping and pedestrian amenity should be designed to support and strengthen the historic and human environment of the district.

**Social
Environment**

5. That there is a desire by the City and the local community to preserve James Street North as an historic district of special value and local identity.
6. That James Street North represents a "village in the city" quality to the local community that desires to protect and preserve its strong sense of local identity and place.
7. That James Street North should develop and strengthen as a place to live in as well as a place to work and shop.
8. That the James Street North community desires to work together to achieve common goals.

Economic**Environment**

9. That James Street North represents a viable business district and increasing efforts should be made to improve and strengthen its economic base.
10. That the conservation and enhancement of the special historic qualities and local sense of identity of James Street North will be the basis for economic renewal and prosperity.



Mid Victorian commercial building stock of simple yet fine proportions. The centre portion shows a proposed infill of compatible design where a two storey building presently sits.

SECTION 4 GOALS

4.1 INTRODUCTION

The heritage conservation district plan is part of a continuum of plans and decisions administered through the public and private sector for the City of Hamilton. It should not therefore be considered as an isolated document but rather a refinement of thinking for one particular area - James Street North. The plan by way of research and public input has crystalized in more detail the physical, social and economic objectives for the area and which are as follows

4.2 PHYSICAL ENVIRONMENT GOALS

A primary objective of this plan is to conserve and maintain a humanistic quality to James Street North. This will be largely accomplished through the conservation of the historic building stock and complimentary design of the supporting infra-structure including traffic patterns, car parking, landscaping and pedestrian amenity. To be effective all elements must be orchestrated in concert to achieve an environment that is at once functional and attractive. The physical environment objectives therefore are

- . to achieve a cohesive well designed district that emphasizes the human scale and historic character of the streetscape
- . to encourage the preservation and enhancement of the historic building stock
- . to guide the construction of new buildings to be of good design compatible with the historic district
- . to ensure that the supporting infra-structure including traffic pattern and car parking compliments the human scale, historic character and businesses in the district
- . to introduce positive features that will enhance the atmosphere and visual appeal of the streetscape including landscaping, street lights, signage and pedestrian amenity

SECTION 5 BUILDING

5.1 INTRODUCTION

James Street North is a street of superb historic building, which collectively makes up an historic streetscape of unparalleled quality. Even more remarkable is the sheer quantity and variety of historic building that still stands and in a sound state of repair. To the untrained eye the building stock today may appear irretrievably run down and shabby but beneath the peeling paint, covered up facades and boarded over windows is a building fabric of beautiful proportions, style and detail. By accident probably more so than by design James Street North has survived and with it a rich architectural fabric. History has witnessed James Street North as once the centre of government, institutional and commercial activity in the city and this is evidenced by the great diversity of building type and style that remains today. Above all it is this building heritage that provides the character and special sense of place about James Street North and which is the basis of this plan. To preserve this character and special sense of place is to preserve the building stock. By building stock it is meant not just history, but the attractive and humanistic scale older building provides. The craftsmanship, the details, the fine proportions and design, the good and sound use of materials, the integrity of the construction, the mixed use of the buildings, the enduring quality of age and the sense of continuity and permanence are but a few qualities the building stock of James Street North provides as a special place. It is these important, but sometimes elusive qualities, that have given birth to the desire now to conserve the street as an heritage conservation district.

To suggest that James Street North has always been recognized as an historic district worthy of preservation is amiss. Over the past twenty-five years the historic fabric was gradually ignored and forgotten, and in many cases covered over. Today the potential of the streetscape is being reawakened and with it a desire to conserve and restore the building stock.

- to promote heritage conservation as a natural consideration in the development of the district.

4.3 SOCIAL GOALS

James Street North is a distinctive and proud community with a strong sense of identity and place. Described as a "village in the city", the steering committee meetings held to guide this plan, voiced a keen desire to protect the village-like atmosphere of the district that fosters a sense of belonging and personal contact in business and socializing. There was a concern that planning initiatives not supplant or weaken these attributes. The social objectives of this plan are as follows

- to preserve and strengthen the "village in the city" character of James Street North
- to protect and enhance community pride and identity in the district
- to involve the local community in major issues affecting the district
- to develop James Street North as a place to live in as well as a place to shop and work in
- to foster a community recognition of the historic and architectural significance of the district and its origins.

4.4 ECONOMIC GOALS

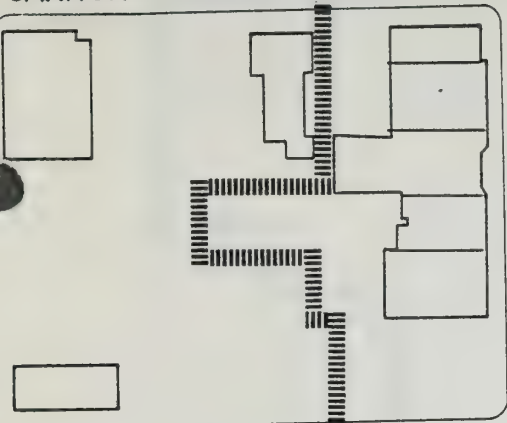
While a primary objective of this plan is to conserve and enhance the historic building stock and character of James Street North it is not the intention to create a museum-like atmosphere. On the contrary it is vital that the district remain a competitive and progressive part of the city's business environment. This plan however is seen as an unparalleled opportunity to enhance James Street North as a visibly special and attractive district. Such an opportunity for economic rejuvenation would include a full and profitable use of the building stock, increased shopping traffic and business, an attractive and pleasurable work environment and a more

compatible infra-structure of traffic flow, car parking and amenity. The heritage conservation district plan for James Street North would become the guiding document for economic rejuvenation. The specific economic objectives are as follows

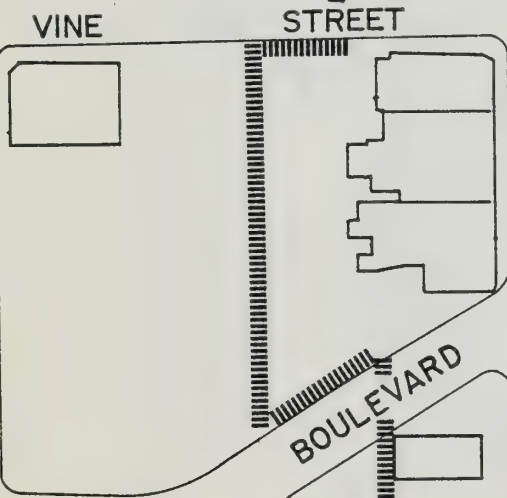
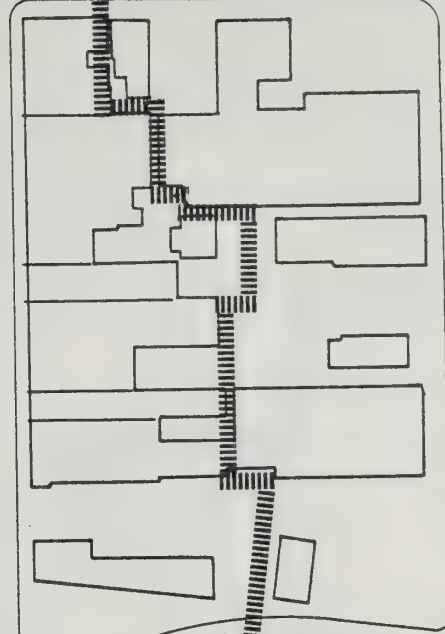
- . to maintain and enhance James Street North as a progressive and profitable commercial district in the city
- . to develop improvement programs that will promote investment in the district
- . to promote the historic character of James Street North as a basis for increased economic rejuvenation
- . to use the building stock in a fuller and more profitable manner for business and residences
- . to provide incentives and assistance to the individual property owners to utilize sound and beneficial preservation procedures in their improvement plans.

CANNON STREET WEST

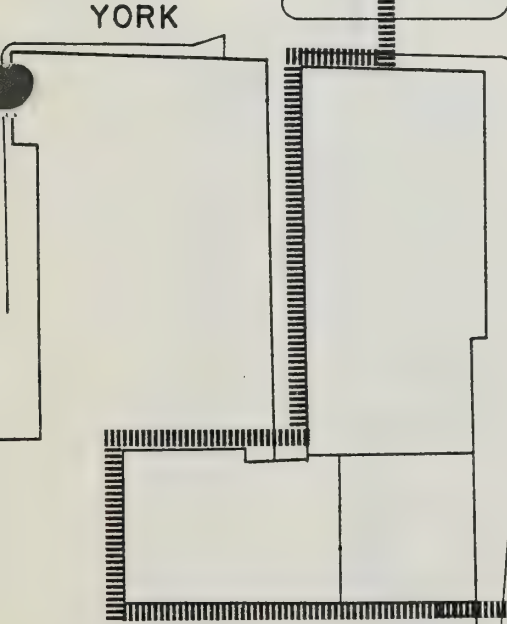
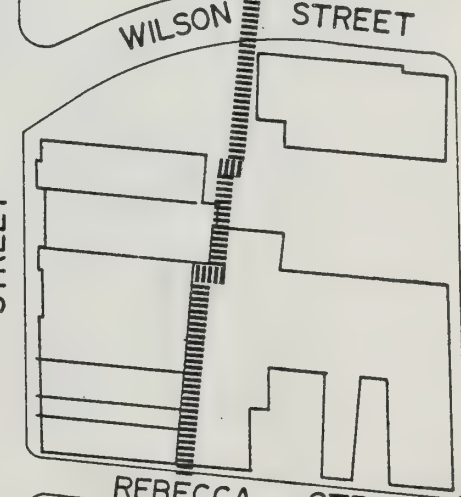
CANNON STREET EAST



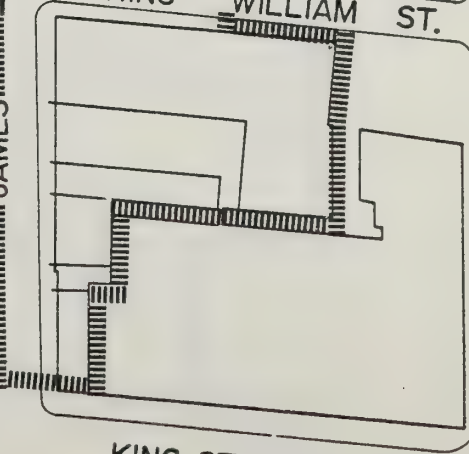
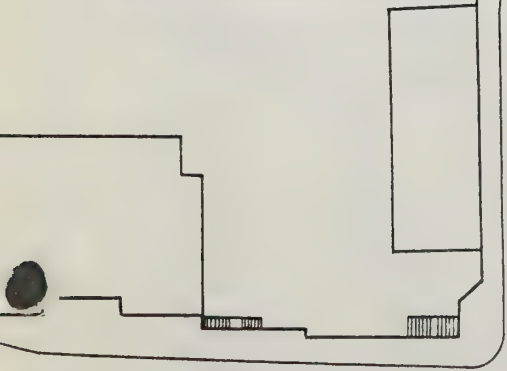
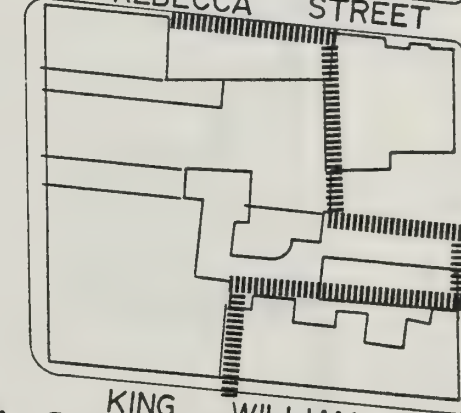
NORTH



STREET



JAMES

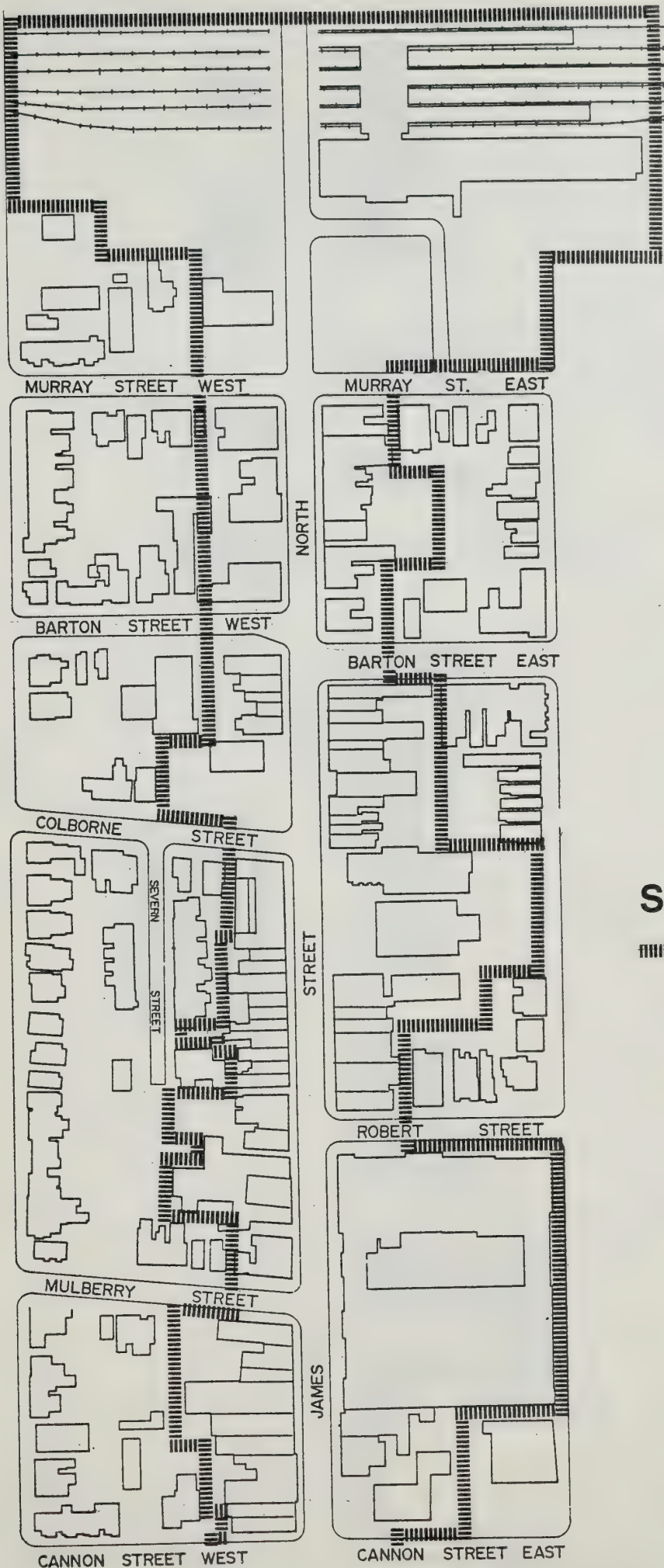


Schedule "A" MAP 1

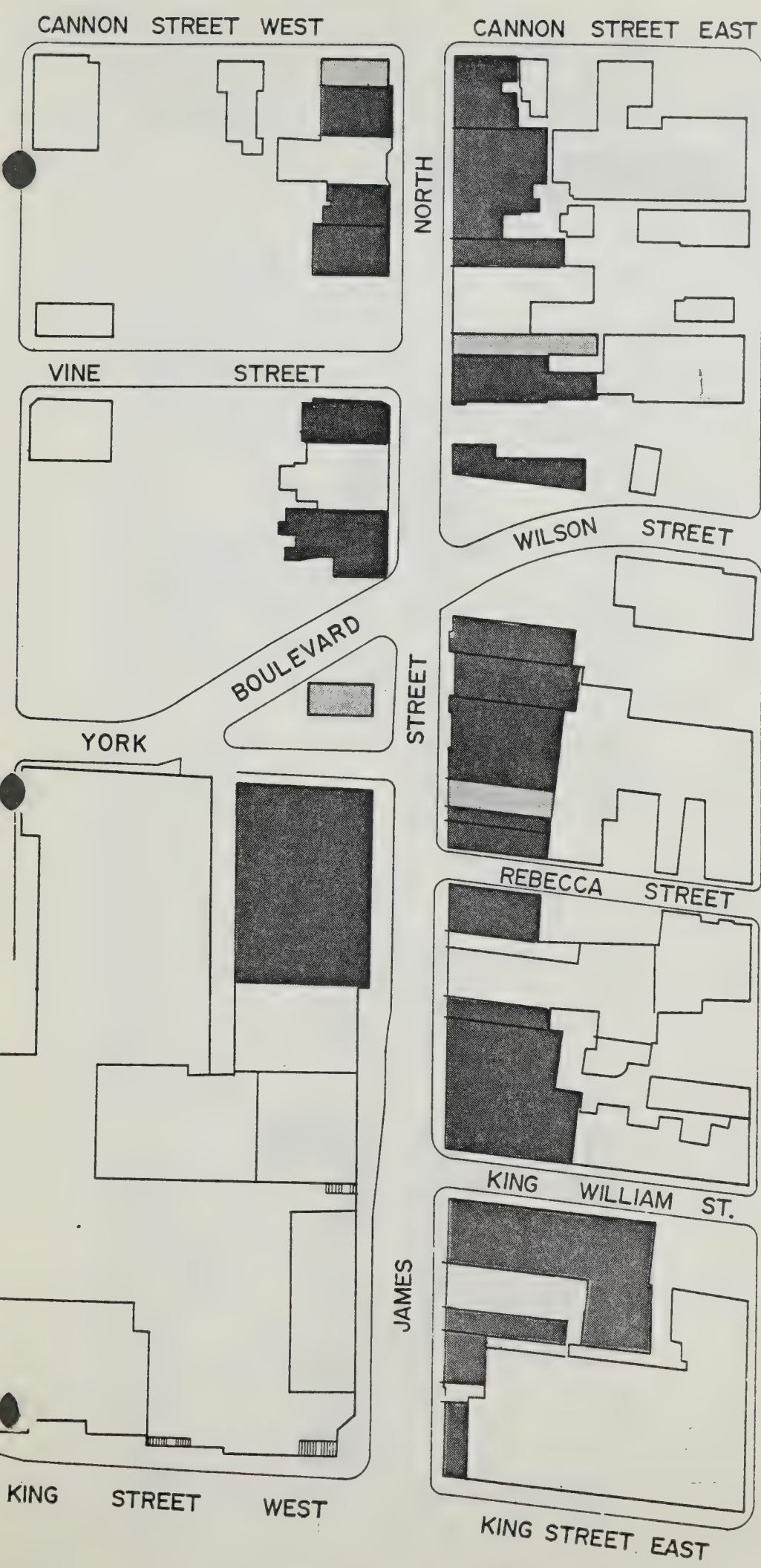
District Boundary

KING STREET WEST

KING STREET EAST



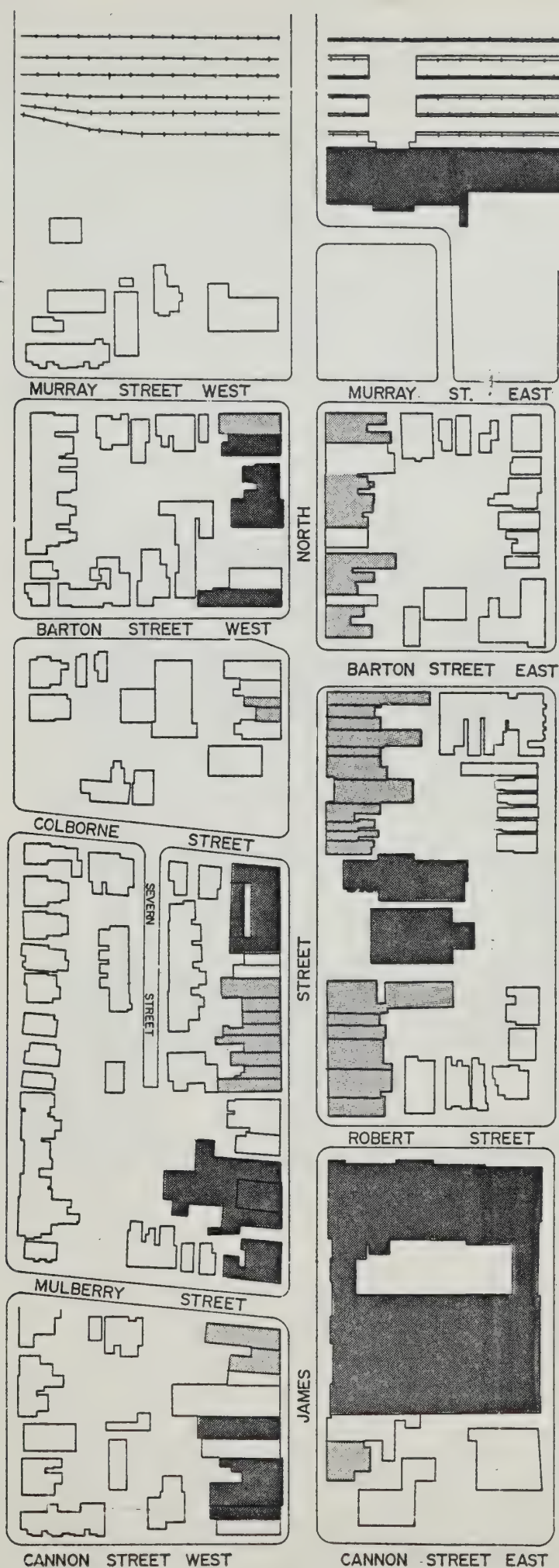
Schedule "A" MAP 2
District Boundary






Schedule "B" MAP 1

- building "A"
- building "B"
- building "C"

Note: Categories apply as at 1987. These could change through alteration, up-grading, etc., or change in values.



Schedule "B" MAP 2

-  building "A"
-  building "B"
-  building "C"

Note: Categories apply as at 1987. These could change through alteration, up-grading, etc., or change in values.



A finely detailed classical building of the mid 1800's,
with Georgian proportions.

The policies contained in this sub-section are some of the most important in the plan. They may be simply stated but will be difficult to achieve. Basically the policies are two-fold. Firstly, to conserve, maintain and enhance the historic building stock. Secondly, to guide the design of new building so that it complements the historic district. The intent is to achieve an attractive coherent historic streetscape that reads as a whole rather than, at present, a disparate and conflicting set of parts. The intent will require commitment, support and discipline by property owners to work within a set of guidelines. Individual preferences may be modified but the overall result will be stronger and more inviting.

In discussing conservation, it is meant to repair, maintain and enhance the existing historic, architectural features and further to rebuild missing or deteriorated features that belong to the original building appearance. By building it is meant mainly the exterior visible facade fronting James Street North, the side streets and interior open spaces.

In discussing a facade, it is meant primarily the upper visible building face being at the second storey and up.

By historic architectural features, it is meant those main historic building elements, both existing and original, that comprise a building facade. This would include the fabric and design of walls, windows, sills, labels, keystones, medallions, cornices, brackets, piers, lintels, bays, arches, roofs, dormers, doorways and chimneys.

5.2 OBJECTIVES

The following objectives are to be followed with regard to the conservation alteration and new building in the district

- . To conserve buildings designated 'A' buildings as noted on Schedule "B". These buildings are of major importance to the district. They have architectural and historical value. They

contribute to the visual integrity of the district streetscape. They support and define the character of the district. They may possess interesting or unusual architectural features. They may be examples of building types which gauge the street's physical development.

- . To conserve and complementarily alter buildings designated as 'B' buildings as noted on Schedule "B". These buildings are primarily of contextual value to the district. While not necessarily of outstanding architectural or historical value, they contribute to the visual integrity of the district streetscape. They support and define the character of the district.
- . To complementarily alter and build anew buildings designated as 'C' buildings on Schedule "B". These buildings are both new and old and are unrelated to the historic character of the street. While of merit in their own right, they are buildings that do not reinforce the historic and architectural integrity of the streetscape as a whole.

5.3 POLICY

. 'A' BUILDINGS

The historic and/or architectural qualities of the 'A' building stock on James Street North are considered a valuable and integral part of the heritage conservation district. Indeed this building stock is the foundation of the district plan, and is of value in its own right and as it contributes to the streetscape composition as a whole. Accordingly the policy of this plan is to encourage the conservation of the 'A' building stock in accordance with the following criteria

Height height of building shall be similar to surrounding buildings.

- Proportion** proportions of alterations to buildings shall complement the proportions of the surrounding buildings.
- Roof** the roof pattern shall be similar to or complementary to the established roof pattern of the street.
- Windows** the placement and proportion of height to width of windows should complement those of surrounding buildings.
- Colours** colours used through paint and materials should be historically accurate colours being of quiet subtle natural shades.
- Materials** materials appropriate and typical of the heritage district should be used with an emphasis on natural fabric such as brick, stone and wood as opposed to metals and plastics.
- Set back** set back of new buildings should be similar to that of the existing building stock so as to maintain an integrity of building edge.
- Store fronts** original store front fabric shall be conserved where possible and new store fronts shall be complementary to the scale and proportions of the building facade. A liberal design approach is encouraged to foster individuality of the type of business and the proprietor's taste.
- Demolition** there will be a strong presumption against demolition and exceptional measures will be taken to save buildings where necessary.
- Sandblasting** Sandblasting shall be strongly discouraged.

. 'B' BUILDINGS

The 'B' building stock is an integral and valuable part of the heritage conservation district mainly for its contribution to the

streetscape composition as a whole. This building stock is of contextural value rather than outstanding architectural and/or historical value. The policy of this plan is to encourage their conservation. If alterations are undertaken however, it is encouraged that they be undertaken in a complementary manner to maintain the integrity of the streetscape in accordance with the following criteria

- | | |
|---------------------|--|
| Height | height of building shall be similar to surrounding buildings. |
| Proportion | proportions of alterations to buildings shall complement the proportions of the surrounding buildings. |
| Roof | the roof pattern shall be similar to or complementary to the established roof pattern of the street. |
| Windows | the placement and proportion of height to width of windows should complement those of surrounding buildings. |
| Colours | colours used through paint and materials should be historically accurate colours being of quiet subtle natural shades. |
| Materials | materials appropriate and typical of the heritage district should be used with an emphasis on natural fabric such as brick, stone and wood as opposed to metals and plastics. |
| Set back | set back of new buildings should be similar to that of the existing building stock so as to maintain an integrity of building edge. |
| Store fronts | original store front fabric shall be conserved where possible and new store fronts shall be complementary to the scale and proportions of the building facade. A liberal design approach is encouraged to foster individuality of the type of business and the proprietor's taste. |
| Sandblasting | Sandblasting shall be strongly discouraged. |



An interesting mix of early and late Victorian commercial buildings blended together by their similar height and scale.

Demolition while there will be a general presumption against the demolition of 'B' buildings, the proposed replacement building will be a major consideration in determining the degree of encouragement given to retention.

'C' BUILDINGS

The 'C' building stock consists of both new and old buildings that are unrelated to the historic character of the street. It is not the intent or desire of this plan to be disrespectful to this building stock but rather encourage over time complementary alteration to better integrate the building stock into the streetscape as a whole. The strength of a heritage conservation district is its overall historic and architectural integrity as a streetscape of special character and quality. Accordingly the policies for the 'C' buildings is that complementary alterations shall be encouraged in accordance with the following criteria

Height	height of building shall be similar to surrounding buildings.
Proportion	proportions of alterations to buildings shall complement the proportions of the surrounding buildings.
Roof	the roof pattern shall be similar to or complementary to the established roof pattern of the street.
Windows	the placement and proportion of height to width of windows should complement those of surrounding buildings.
Colours	colours used through paint and materials should be historically accurate colours being of quiet subtle natural shades.
Materials	materials appropriate and typical of the heritage district should be used with an emphasis on natural fabric such as brick, stone and wood as opposed to metals and plastics.

- Set back** set back of new buildings should be similar to that of the existing building stock so as to maintain an integrity of building edge.
- Store fronts** original store front fabric shall be conserved where possible and new store fronts shall be complementary to the scale and proportions of the building facade. A liberal design approach is encouraged to foster individuality of the type of business and the proprietor's taste.
- Demolition** where there are few or no complementary architectural or historic features there will not be a presumption against demolition or building face lift. Where the building detracts from the overall streetscape composition additional building will be encouraged to better reflect the tone of the historic district.

. **NEW BUILDINGS**

New building is encouraged on existing vacant sites or where buildings have been destroyed or demolished. New buildings should be looked upon as an opportunity to embellish the streetscape composition. It is not the intent or desire that new building should reproduce past building styles but rather that it should be of good contemporary design and complementary to the height, proportion, scale and character of the district. In this regard the following criteria should be adhered to

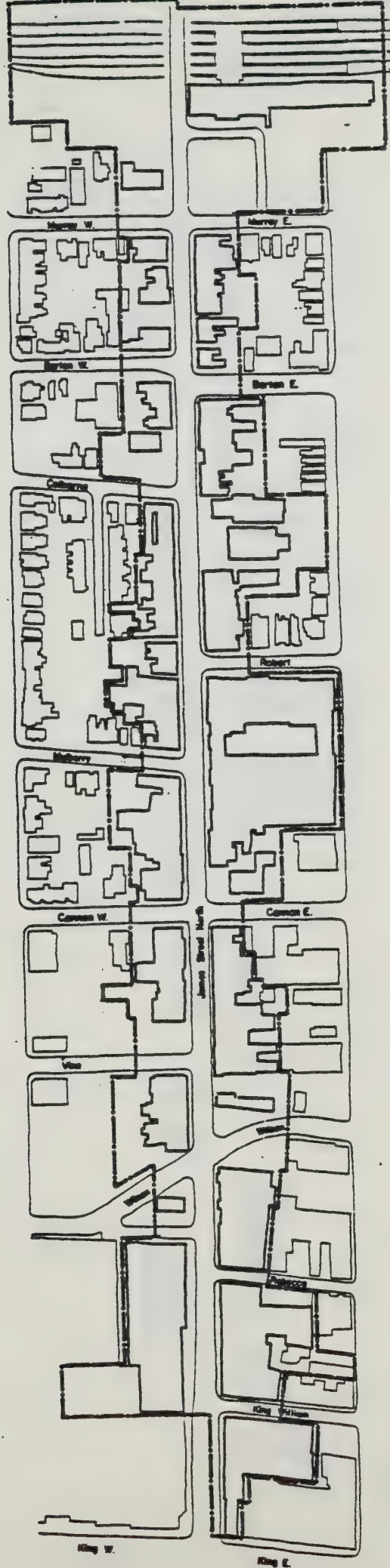
- Height** the height of new buildings at the street face shall be similar to surrounding buildings. However the building may be higher if the additional storeys are stepped or set back so as to preserve the general street facade height. Single storey buildings will not be permitted where they weaken the continuity of the visual streetscape composition.

Proportion	proportions of alterations to buildings shall complement the proportions of the surrounding buildings.
Roof	the roof pattern shall be similar to or complementary to the established roof pattern of the street.
Windows	the placement and proportion of height to width of windows should complement those of surrounding buildings.
Colours	colours used through paint and materials should be historically accurate colours being of quiet subtle natural shades.
Materials	materials appropriate and typical of the heritage district should be used with an emphasis on natural fabric such as brick, stone and wood as opposed to metals and plastics.
Set back	set back of new buildings should be similar to that of the existing building stock so as to maintain an integrity of building edge.
Store fronts	new store fronts shall be complementary to the scale and proportions of the street facades. A liberal design approach is encouraged to foster individuality of the type of business and the proprietor's taste.

5.4 ACTIONS

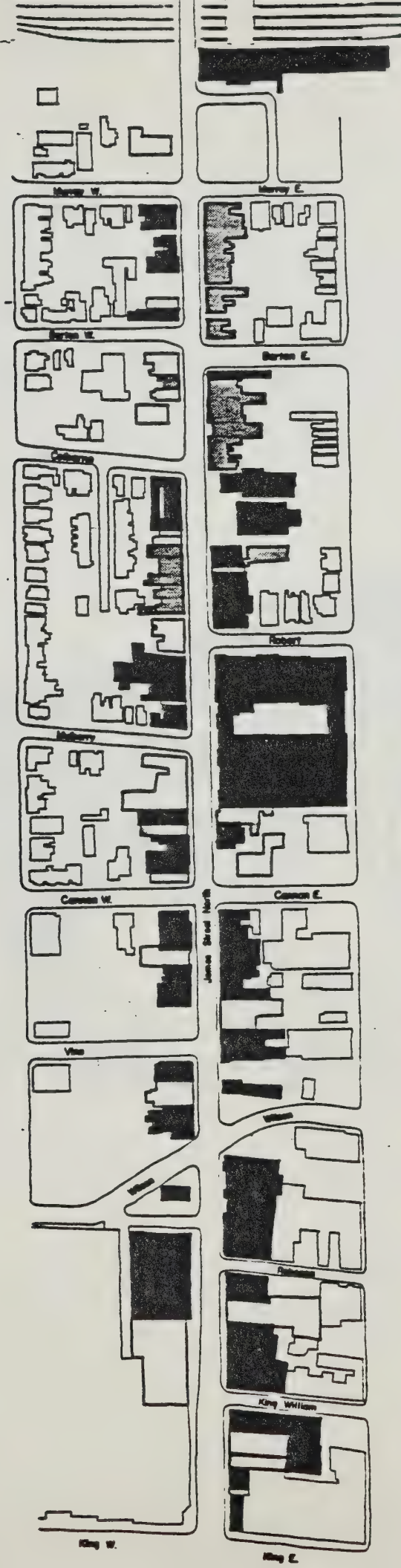
- A Heritage Conservation District shall be established under the Ontario Heritage Act for the study area and as outlined in guidelines in the appendices.
- Development permits will be issued by Council in accordance with the policies.

- . Where policies cannot be implemented through the Ontario Heritage Act, Council will take actions to encourage owners to follow the policies.
- . Architectural design guidelines will be drawn up to illustrate and promote the objectives for new buildings.
- . A committee will be set up to advise Council on achieving these policies, see Section 8.
- . The Official Plan and Zoning by-law will be amended to implement policies of the Plan.
- . The L.A.C.A.C. shall take a key role in encouraging, advising and assisting property owners to conserve and restore the historic building stock.






Schedule "A"

district boundary

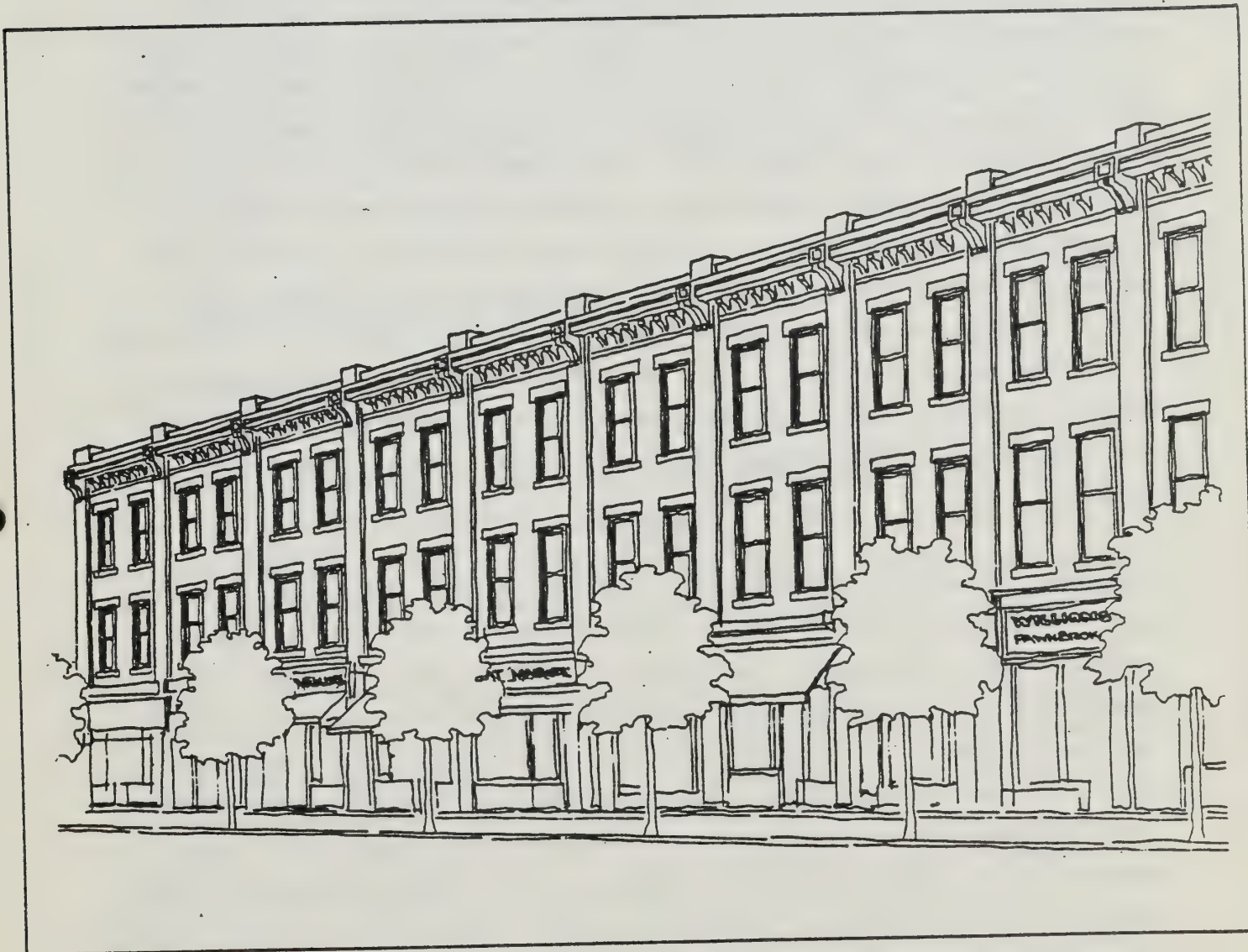


Schedule "B"

-  building "A"
-  building "B"
-  building "C"

Note:

Categories apply as at 1986.
These could change through
alteration, upgrading, etc.,
or change in values.



A large three storey late Victorian terrace of very fine proportions, scale and detail.

SECTION 6 STREETScape

6.1 INTRODUCTION

The conservation and enhancement of James Street North includes, not only buildings, but a rich and complex association of open spaces, sidewalks, landscaping, lighting, traffic, car parking and signage. If they are badly planned or neglected the environment deteriorates. Conversely if the street is carefully planned and managed, an attractive and prosperous result evolves. It is most important also to enhance the character of James Street North which gives it a special and inviting individuality. The key to a successful streetscape is when its many disparate parts come together as a coherent whole. Without this coherence much activity and investment can be counter-productive. Rehabilitating the upper floors of the building stock for residential use will not be successful if the street is heavily loaded with fast, noisy and polluting traffic. Conserving an historic building facade will be defeated in appearance if those facades are covered with hanging signs that obscure their proportions and craftsmanship.

At present James Street North has no clearly defined streetscape vision or plan. What James Street North is today is more a result of historical accident than pre-design. Its character has been, and continues to be, shaped by a series of independent unrelated activities than a clear coherent goal. Many activities such as traffic and lights have been shaped from a city-wide perspective. Some effective landscaping has been carried out including sidewalk treescape, but this is, to a large extent overwhelmed by the profusion of wires and signs. Car parks have been located and a large amount more is required, but what effect will this have on the integrity and attractiveness of the streetscape as a whole?

An overall plan is vital. Attractive, successful and prosperous streetscapes do not simply happen. Each and every part must be designed and carefully balanced against the whole. This is not to imply that individual

creativity and spontaneity will not be required and occur. It is required and will occur. An attractive, functional, and distinctive streetscape that mirrors local character and pride inspires individuality and pride, and will draw people from the city and the region and enhance its economy.

In a broader context James Street North is envisioned as a major link between the city centre and the waterfront to the north. Emerging city planning and developments are realizing the rejuvenation of both the city centre and the waterfronts with James Street North as the link. Accordingly a high quality of urban environment is deemed critical to achieve this objective.

6.2 TRANSPORTATION AND CAR PARKING

6.2.1 INTRODUCTION

Car parking and traffic dominated the Advisory Committee meetings held to formulate this plan. Concern, frustration and despair were voiced repeatedly over the malaise of car parking and traffic flow on James Street North. Comments were overwhelmingly critical of the present situation.

The lack of convenient car parking; the adverse impact that no parking between 4 p.m. and 6 p.m. has on business; the lack of visible and convenient access to parking lots; the lack of good signage to parking lots; the high car parking fees; the overuse of metered parking; the high incidence of illegal parking; the lack of parking that deters shoppers and residents from coming to James Street North; the excessive and fast moving traffic; the excessive noise and pollution; the detrimental effect of one way traffic; the deterrent one way traffic has to drawing people from the city centre up to James Street North; the bad repair of the streets; the sheer overwhelming amount of traffic were just a few of the numerous concerns the public perceived with regard to traffic and car parking on James Street North.

James Street North is a one way southbound street for almost all its length. Three major streets intersecting James Street are also one way. Overall the street consists of four lanes. However at the southern end it widens to five lanes. The street has an arterial designation by the City Traffic Department, which means it is to accommodate relatively long distance movements within and through the city. Car parking is limited and subservient to the prime purpose of an arterial road which is to move traffic.

The conflict is an important one. Most certainly at present the one way arterial road status of James Street North is of concern to the objectives of this plan. The traffic flows heavily, efficiently and with speed with a minimum of interference by car parking and pedestrian amenity. This presents problems for James Street North as a pedestrian place.

Some measures can be taken in the short term, but long term solutions require traffic studies. However during the steering committee and public meetings the City Traffic Department were responsive to a special study being undertaken to help resolve the evident conflicts. Accordingly, the plan recommends that a special traffic and car parking study be undertaken to address and resolve the concerns of the local community and the objectives of this plan.

6.2.2 OBJECTIVES

- . to organize the traffic pattern on James Street North to support a vibrant commercial district with a pedestrian orientation.
- . to initiate ways of reducing the environmental impact of the current traffic situation.
- . to initiate a special study of traffic and car parking on James Street North with particular emphasis on the needs of the community.

6.2.3 POLICIES

- . Continuous on-street metered car parking should be provided on James Street North to enhance the business status of the area.
- . Additional off-street parking should be provided at the rear of the commercial blocks with well signed access for vehicles and pedestrians. Adverse impact on the front facade shall be minimized.
- . Through traffic volume and speed should be attuned to enhance the pedestrian, resident and shopper comfort conditions.
- . Opportunities for additional pedestrian crossings should be explored to enhance pedestrian status in the area.
- . The re-instatement of two-way traffic flow should be examined on James Street North to facilitate and enhance communication between the city centre and the street and as a major link to the waterfront.
- . Overhead bridges for Go Transit or to connect to the +15 system should be avoided if possible but if necessary should be well designed and complementary of the streetscape.
- . Traffic changes will take account of the special nature of James Street North.

6.2.4 ACTIONS

- . The City will remove the 4 p.m. to 6 p.m. no waiting restrictions. (complete)
- . The City will study street parking and create as many on street parking metred spaces as possible. (completed)
- . The City will examine ways to create as much off street parking as possible at the rear of properties and dispersed along the street.
- . The City will purchase and make attractive as possible the link from the Mulberry Street car park to James Street.
- . Traffic will be slowed by additional on street parking, streetscape features such as pedestrian crosswalks, and longer pedestrian crossing times.

- . Any traffic changes will take account of the special nature of James Street North.
- . Consideration to not allowing direct access from the proposed perimeter road south to James Street North will be considered in the Perimeter Road Study.
- . The City will study points for additional pedestrian crosswalks.
- . A traffic study, part of a larger study for the downtown, will look at the impact of introducing two way traffic for James Street North and make recommendations in light of the study.
- . Overhead bridges will be designed simply, to minimize visual intrusion and to be as inviting as possible for a pedestrian walking along the street. Plans will be reviewed by the James Street North Planning Committee.
- . The City will request the Region to provide bus service in keeping with the objectives of the plan.



The Tivoli illustrates High Victorian design at its best with a profusion of elaborate details and materials. A new facade with windows is shown for the Dominion store to the left.

6.3 LANDSCAPING AND OPEN SPACE

6.3.1 INTRODUCTION

During the height of its prosperity in the late nineteenth century James Street North had little to no landscaping. It was a street of grand buildings. Today there is a keen interest in landscaping city streets and this sentiment was evident in the public meetings held to formulate this plan. In the recent past trees have been planted up James Street North on the outer side of the sidewalk. The desire for landscaping occurs for different reasons, not only for the intrinsic beauty of trees and flowers. Often the desire is to create some foil to a hard edged urban environment of buildings, sidewalks, streets, signs, wires and traffic. Landscaping provides a pleasing softness, texture, colour and beauty in an otherwise rather hostile visual environment. The desire for landscaping on James Street North is partly for these reasons. Landscaping provides a humanistic quality to the streetscape that is a primary objective of the plan. The beautiful small park in front of Christ's Church Cathedral is an excellent example in this regard.

Besides the pleasant environmental qualities landscaping provides there is the visual ability trees have of infilling and buffering empty spaces, car parks and traffic-laden streets. There are instances on James Street North where buildings have been removed creating a visual gap in the streetscape. Not only is the spatial continuity of the streetscape damaged but unsightly views of the back of blocks, service areas and car parks opened up. The effectiveness and attractiveness of the street suffers badly. Tree buffering and landscaping can partly compensate for these occurrences.

Other smaller landscape opportunities such as parkettes and planters have been treated with caution. The street has a strong visual presence with a very urban scale. Parkettes and planters are essentially domestic in character and scale and deemed inappropriate for James Street North.

The major open space in James Street North is the sidewalk. This is where the community walks, meets, talks, window shops and displays merchandise for sale. It is not only a place for movement, it is a place for socializing and recreation. Because of the nature of the community the street is a vibrant and alive place. Consideration of a separate designated park is largely irrelevant in this regard. Open space is present and working. During the public meetings and in the research, no popular opinion was raised over the need or desire to widen the sidewalks. The comparatively narrow width of the sidewalks promotes a certain congestion that is part of the village-like atmosphere of the street.

Three distinct and separate open spaces, in a more traditional manner, in the James Street North district are in front of Christ's Church Cathedral, the C.N. Railway Station and at the northeast corner of James and Wilson. The Christ's Church Cathedral forecourt park is a mature, established and beautiful small park that contributes immensely to the attractiveness of the street. The park is made possible by the set back of the Cathedral from the street line and is the only instance where this occurs on the street.

The large open space in front of the C.N. station is a space with much potential both aesthetically and functionally. Aesthetically, it provides a visual frame to the neo-classical designed station building, which could be enhanced further. Functionally it provides an excellent opportunity for an active outdoor recreational space. Its location in the midst of a residential area promises good use. This plan proposes therefore that opportunities for the use and enhancement of the open space be explored with C.N.

The small park at the northeast corner of Wilson and James has been modestly developed with trees and flower borders and it is proposed that further improvements be made. Its pleasantness for sitting is diminished by the heavy traffic on Wilson and proposed elevated railway line also on Wilson.

Opportunity for a special landscape treatment is considered appropriate in front of the armoury. The armoury is a large and massive scaled building that tends to deter pedestrian presence and comfort on the east side of James Street North. Landscaping, it is considered, would soften the environment and make it more attractive and comfortable for pedestrians. Secondly, landscaping at this point would create a visual break in the unrelieved lineality of the street.

In summary the basic landscaping features proposed to complement the plan's objectives is to maintain and enhance a boulevard of trees down James Street North, to initiate landscape buffering in front of car parks, open spaces and traffic filled streets in the district and to develop an active park in front of the C.N. station.

6.3.2 OBJECTIVES

- . to provide an overall landscape theme to complement the identity of James Street North
- . to accentuate open spaces and enclosures through landscaping
- . to screen and soften visually discordant features such as car parks
- . to use landscaping to highlight and complement the historic building stock.

6.3.3 POLICIES

- . The boulevard of trees on each side of James Street North should be maintained, enhanced and continued to completion to the end of the street. The tree species should not overly obscure the building facade.
- . Where the spatial continuity of the streetscape is punctured by car parks, open spaces, new building set backs and traffic filled streets, landscaping should be initiated to infill the space, buffer the views and re-establish enclosure to the street. Instances where this should be initiated include



Vernacular building stock in the north of the district.
Simpler proportioned and finely crafted.

- . N.E. corner of Wilson and James Street North
- . N.W. corner of Vine and James Street North
- . N.W. corner of Colborne and James Street North
- . N.E. corner of Cannon and James street North.
- . Provide open space in front of the C.N. railway station both as an appropriate landscaped setting for the neo-classical station building as well as an active recreational park.
- . A special landscape composition should be developed fronting the armoury to enhance pedestrian comfort and relieve the lineality of James Street North and other notable buildings such as the Tivoli Theatre.
- . Streetscaping should be simple in nature and design and have a uniform theme building on the streetscaping works currently planned for the south part of James Street North. Subtle changes may be introduced to create added interest and vitality.

6.3.4 ACTIONS

- . A streetscaping scheme will be drawn up based on the objectives and policies of the plan. It will be prioritised and budgeted along with other landscape proposals in the downtown.
- . The C.N. Railway will be approached with the view to purchasing the land in front of the station for a park.

6.4 LIGHTING

6.4.1 INTRODUCTION

Lighting has two main purposes - functionally to provide illumination for activity and aesthetically to highlight some particular aspect of the environment. The main form of lighting on James Street North is functional highway style lights. The design of the standard and illumination is utilitarian. Other lighting in the district is from illuminated signs and store fronts.

Lighting is a most important feature in the urban environment and has a significant influence on the character of a streetscape. Street lighting can create a warm, pedestrian quality with a human scale or it can create a harsh bright quality with a vehicular scale. At present James Street North leans to the latter quality. High lighting is near absent in the district and many of the superb historic building features are unlit and not seen at night. The opportunities and requirement for a more complementary and creative use of lighting in James Street North are present.

To compliment the objectives of the plan street lighting must serve a dual purpose for traffic and people. The lighting must be adequate for night traffic yet also provide a softer and more attractive source for pedestrians. As an historic area also, the light standards must be suitably scaled, sized and designed to complement the character of the streetscape. An objective of this plan is to initiate therefore a more compatible lighting vocabulary in the district, either of contemporary or modern design.

Floor lighting of architectural features in the district is a desirable and attractive feature that enhances the historic character. There are many buildings, towers, and ornaments worthy of highlighting that would provide a particular and exciting visual composition.

6.4.2 OBJECTIVES

- . to replace the existing street lighting with new lighting that complements the historic character and human scale of the district and the objectives of the plan
- . to enhance building facades, towers and architectural embellishment by illumination.

6.4.3 POLICY

- . The present highway style street lights shall be replaced by light standards and illumination that complement the historic character and human scale of the district and enhance its pedestrian quality.
- . Architectural features in the streetscape shall be illuminated including the following
 - . Christ's Church Cathedral
 - . The Armouries
 - . The C.N. railway station
 - . The Tivoli Theatre tower.

6.4.4 ACTIONS

- . New lighting will be incorporated into the streetscape scheme.

6.5 SIGNAGE

6.5.1 INTRODUCTION

Signs are a visually potent element in a streetscape and especially in a historic district. As long as there have been businesses there have been signs. Early photographs of James Street North reveal that signs were as many then as they are now. The main differences are in the construction,

style and location of the signs. In the past signs were largely hand painted to the front face. End walls of buildings also often had signs painted on. Today the variety of signs is far larger in size, style, construction, appearance and location. Signs over store fronts have been partially eclipsed metal or plastic hanging signs that command more attention. In many cases signs are up and in front of the upper building storeys and the integrity of the historic building facade is lost. The overall visual result of signs on James Street North is cluttered and discordant. Many signs are simply unattractive, nondescript and lack simple good design. Only a very few are excellent. Taken individually many signs communicate well but collectively their impact on the streetscape is non-supportive.

Part of the success of this plan will be to synthesize the many different elements that make up a streetscape into a cohesive, attractive and workable whole. One such element is signage, which it is essential should compliment the historic character of James Street North and more particularly the superb upper building facades. It is proposed accordingly that signage should be contained to near the height of the store front. Hanging signs that extend up the face of the building facades should be discontinued. This should not imply disfavour of hanging signs. On the contrary they are an essential part of a business environment that adds spontaneity and vitality to the streetscape. The intent is to enhance the broader visual composition of James Street North and by doing so reveal in an unencumbered way the upper historic building facades.

6.5.2 OBJECTIVES

- . to provide signs that are complementary to the historic streetscape
- . to provide signs that are functional and easily read by the pedestrian and motorist



A late Victorian three and one half storey commercial building of classical proportions and details but with an ornate Mansard roof and dormer windows.

- . to encourage and guide the preservation, or rebuilding where missing, of entablatures over store fronts.

6.5.3 POLICY

- . Signs shall be of a high quality and complementary to the historic character of the district.
- . Hanging signs shall be located at or near the height of the ground floor store fronts and not in front of the facades of the upper storeys.
- . Entablatures over store fronts shall be preserved or rebuilt where missing.
- . Where there is historic precedence some signs may be permitted on the facade above the first floor but the majority of signs will be at or near first floor.
- . Signs not conforming with these policies will be removed over time, where possible.

6.5.4 ACTIONS

- . New signs will be reviewed as part of the approval process.
- . Owners of existing signs which do not conform to the policies of this plan will be approached with a view to removal and replacement.

SECTION 7 LAND USE

7.1 INTRODUCTION

The southern portions of James Street North was Hamilton's original civic centre. Both the original two city halls and the market hall were on James Street North as was the original post office. The only remaining civic building today is the Federal Building which is no longer in civic use. The new Lloyd D Jackson Square redevelopment dispersed civic uses to other parts of the city and retail use has been introduced. The character of the whole of James Street North is now principally commercial and residential with a modern mall at the south end with downtown uses, gradually trailing off in intensity to the northern end. Small individual premises characterize the middle and northern parts of the district and there are many premises catering to ethnic minorities. Commerce is continued across the railway in the north end neighbourhood. The spaces above the main floors are used for storage and living accommodation although many premises are underused or not used at all. There are neighbourhood areas to either side of James Street North except in the south part of the street. The neighbourhood areas are two or three storey houses although Roberts Village, a high rise development is the exception. Many of the properties are immaculately kept and there is a visible interest in upgrading. These neighbourhood areas are convenient for downtown and the services of James Street North and are well served with churches, schools, and for the most part, parks. To reinforce the commercial and residential nature of the street requires continued commitment and action. The area already has a captive market in the apartments above the stores and surrounding neighbourhoods. As well the area serves as a specialty area drawing in people from a wide area of the city. The large numbers of people in the downtown are drawn only part way up James Street North but improvements to the streetscape and the creation of a historical and architectural identities will help increase this accessibility.

7.2 OBJECTIVES

- . to reinforce the commercial nature of James Street North
- . to strengthen the residential component of James Street North and surrounding area.

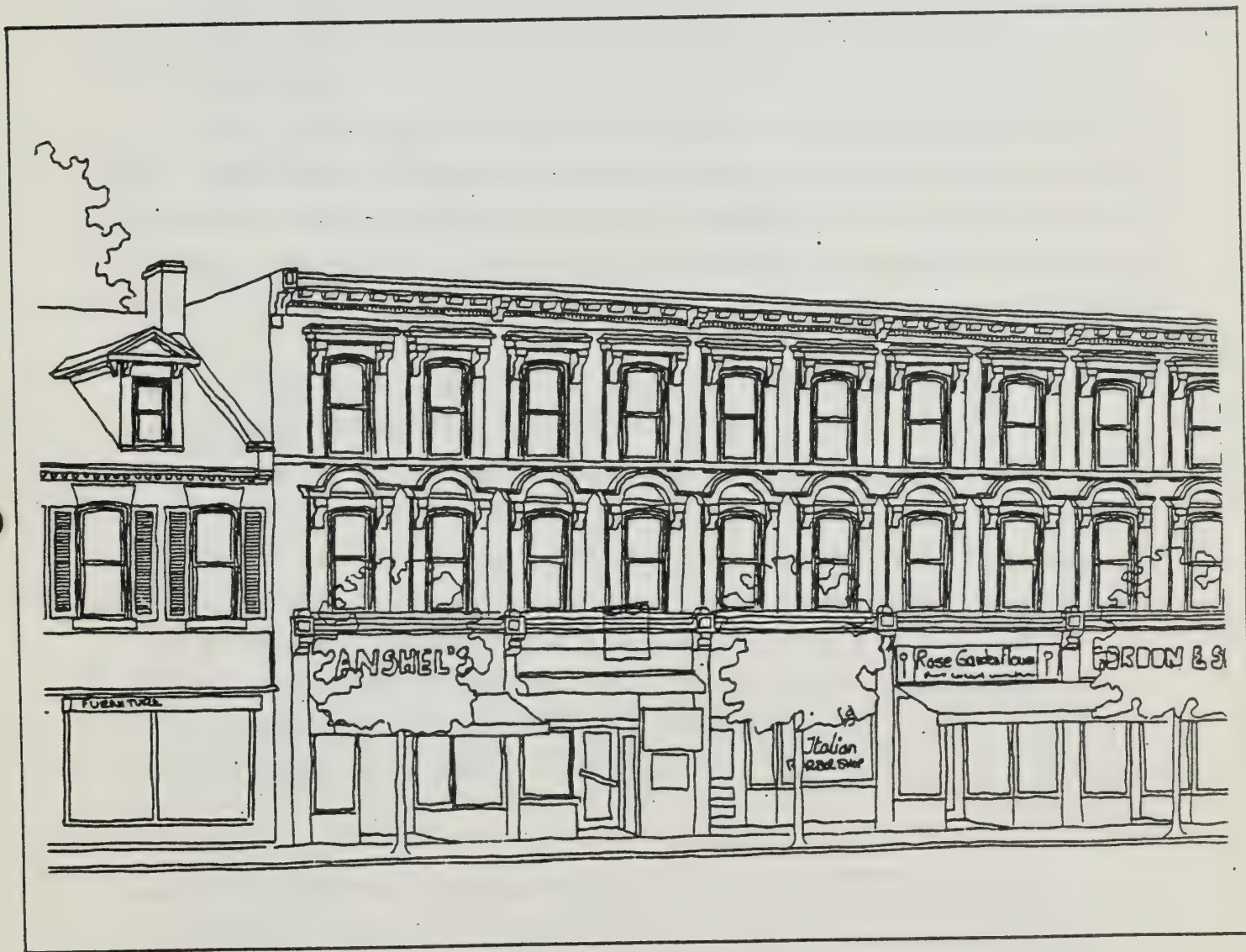
7.3 POLICIES

- . James Street North will be revitalized by building on its existing strengths particularly the high quality of history and architecture.
- . James Street North will operate as a commercial entity within the context of the downtown and a strong identity will be established for it.
- . Continuous commercial frontage onto James Street North will be established as much as possible.
- . Commercial nodes or sub areas will be established to draw people up James Street North specifically in the armories area and the C.N. station area.
- . Encourage the intensification of commercial use particularly within existing structures.
- . Make full utilization of upper floors and rear premises for residential purposes.
- . Encourage high densities which complement the neighbourhood and residential infilling in the adjoining neighbourhood areas.

7.4 ACTIONS

- . Continue the Business Improvement Area to promote the street as a whole. Initiative from the local merchants is considered a key to the success of the plan.

- . Obtain professional advice from consultants and use programs such as Main Street (Heritage Canada).
- . Establish the feasibility of converting part of the armories property and C.N. property as commercial nodes combined with other uses.
- . Establish where commercial and residential infill and intensification might take place.



An excellent example of late High Victorian commercial building characterized by a profusion of elaborate detail.

SECTION 8 IMPLEMENTATION

8.1 INTRODUCTION

Implementation of this plan is deemed crucial to the long term well-being of the James Street North heritage conservation district. Implementation is one of the most important parts of the plan. It can however also be one of the weakest. Too often public meetings are held, plans are prepared and passed but little finally happens thereafter. They become ends in themselves. A prime reason often for a plan not realizing its stated objectives is a lack of effective and practical implementation steps. How does the plan get off the ground? What are the procedures for a building permit? What financial incentives are available? Who directs and promotes the plan?

These concerns are particularly important in the case of an heritage conservation district plan. Unlike a more traditional land use plan that is primarily control orientated, an heritage plan depends on visible action. Such action might include the repair and preservation of a building facade; the rebuilding of dormer windows and fascias; new streetscape landscaping and lighting; co-ordination of signage; rehabilitation of empty upper floors, etc.... The plan is a point of reference and orientation for public and private initiatives. Above all it is an unparalleled opportunity for the district to develop in a manner that will enhance the streetscape, preserve a strong sense of local community and identity and promote business prosperity.

It is not enough therefore to simply prepare and approve a plan. It must be promoted and guided. It must inspire confidence, pride and vision. It must ultimately be a goal the community desires to achieve.

8.2 OBJECTIVES

The following main objectives are to be achieved to establish effective implementation of the plan

- . to provide effective guidance of the plan to ensure that future development of the district is related to the goals and policies of the plan
- . to establish clear and understandable procedures for building permits in accordance with the Ontario Heritage Act
- . to institute a public participation process to ensure that the plan's objectives and policies, both now and in the future, are achieved
- . to provide effective liaison between provincial and municipal programs and individual property owners in the district to achieve the plan's objectives and policies
- . to appoint a James Street North Planning Committee and Consultant to guide and administer the plan
- . to involve the expertise of L.A.C.A.C. in the implementation of the goals and policies of the plan.

8.3 POLICIES

. James Street North Planning Committee

A James Street North Planning Committee shall be appointed to guide and promote the heritage conservation district plan. This committee shall be small and workable but also representative of the diverse interests of the district and its community. The committee shall have representation from the Local Architectural Conservation Advisory Committee, city council, city hall staff and the local business and resident community. The committee will report to the Planning and Development Committee. Its main responsibilities will be to

- . promote the plan
- . co-ordinate public and private activity in accordance with the plan's objectives and policies

- . liaison with municipal and provincial authorities on matters pertaining to the district
- . advise on and encourage building conservation and enhancement in the district
- . advise city council on all building changes and improvements in the district in accordance with the plan
- . set up a resource centre for use by the public on the plan and its objectives
- . develop educational programs on historic building preservation and enhancement .
- . design a timetable of activity to accomplish the plan's objectives and arrive at a priority of activity
- . investigate funding opportunities from all levels of government to achieve the objectives of the plan

L.A.C.A.C. will have an important role to play in its participation on the James Street North Planning Committee and will work in conjunction with this committee on architectural and historic matters and public awareness of the heritage aspects of James Street North. The L.A.C.A.C. will initiate architectural and historic resources, architectural design guidelines, walking/coach and buggy tours, brochures, funding information, and similar programs.

. James Street North Consultant

Consultants shall be hired by the City of Hamilton on advice of the James Street North Planning Committee. The consultants shall report to and work with the Committee to achieve the objectives and policies of the plan. The "Main Street Program" shall be examined to achieve this end.

The consultants shall be qualified and experienced in heritage district planning, architecture administration and public relations.

The consultants' responsibilities will be to

- . promote the plan
- . advise and assist the Plan Committee
- . report on all district matters to the Plan Committee
- . co-ordinate public and private activity in accordance with the plan's objectives and policies
- . liaise with municipal and provincial authorities on matters pertaining to the district
- . advise, encourage and assist in building conservation and enhancement of the district
- . set up a resource centre for use by the public on the plan and its objectives
- . develop educational programs on historic building conservation and enhancement
- . seek out all avenues of funding for the plan's objectives.
- . **The Private Sector**

A most important and visible part of James Street North is its historic building stock. It, more than anything, provides the streetscape with a distinctive and rich character. Indeed the presence of this superb building resource is the reason for this plan. The greater proportion of building in the district is in private ownership. Implementation of the plan, in large part, is conservation and enhancement of the building stock. The private sector will be encouraged to

- . initiate building conservation and enhancement in concert with the objectives and policies of the plan
- . support and encourage activities to promote James Street North as a distinct and special heritage district
- . establish a Business Improvement Area and a list of priorities for action jointly with the James Street North Planning Committee.

8.4 ACTION

- . Establish a James Street North Planning Committee as soon as possible and draw up terms of reference based on the plan. This committee will be able to establish priorities for steering the plan to fruition. A start has been made through the meetings to discuss Business Improvement Area formation and the City's application for the Main Street program. Priorities will depend on the importance to the plan and ease of implementation. Most of the major measures, heritage district designation, streetscaping improvements, traffic and parking refinements and land purchases will be started now.

SECTION 9 PERMIT APPLICATION

9.1 PROCESS

No person, including the municipality, can erect, demolish or remove any building or structure in the district without a permit issued by the Council. A permit is also required for the alteration of the external portions of any building or structure.

The process to apply for a permit is as follows:

- Application made to the City Building Department.
- Council must consider the application within 90 days (or some mutually agreeable longer period when necessary).
- The L.A.C.A.C., as Advisor to the Council, reviews the application and advises Council accordingly.
- Council may - issue permit - issue permit with conditions - refuse permit.

If the Council does not make a decision within the 90 days or if the application is refused, or if the conditions appear unreasonable, the applicant may appeal to the O.M.B. The appeal must be lodged within 30 days of receipt of Council's decision. The O.M.B. may dismiss the appeal or direct that a permit be issued, with or without conditions.

9.2. INFORMATION REQUIRED

It is extremely important that full and adequate drawings be prepared for all building work in the district. It is also necessary that appropriate research be carried out to ascertain original building conditions and details. This research may be compiled through old photographs, illustrations and measured drawings. The methods of conservation should also be clearly stated as should all important details. The intent of the information provided is fivefold:

- To ensure proper conservation methods are followed.

- To ensure the objectives and policies of the plan are followed.
- To provide the municipality and L.A.C.A.C. with the opportunity to evaluate the proposal.
- To ensure a proper basis for inspection of the work so that what is drawn and specified is built.
- To expedite the issuance of a permit with a minimum of delay.

The main principle in assessing a permit application is the protection, conservation and enhancement of the district's character. It is recommended that the municipality develop a building permit specifically for the district to cover the features discussed. The permit application should include what is required at present and the following additional information where appropriate.

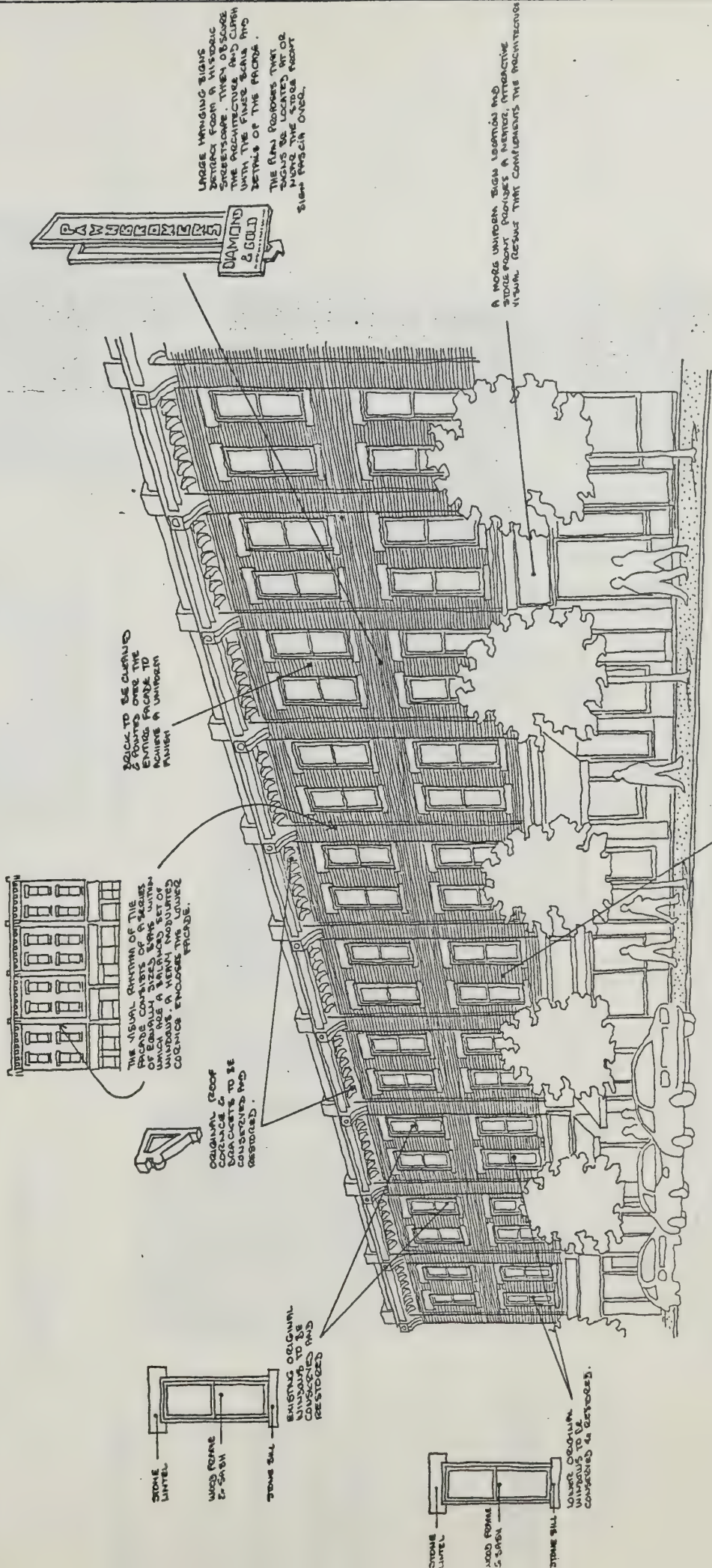
- Original building appearance.
(shown through old photographs, illustrations or measured drawings)
- History of the building.
- Original historic fabric.
(walls, roofs, windows, doors, verandahs and details)
- Removal of original fabric.
- Conservation methods.
- Architectural details.
- Colours, as determined by on-site research, whenever possible.

9.3 INSPECTION

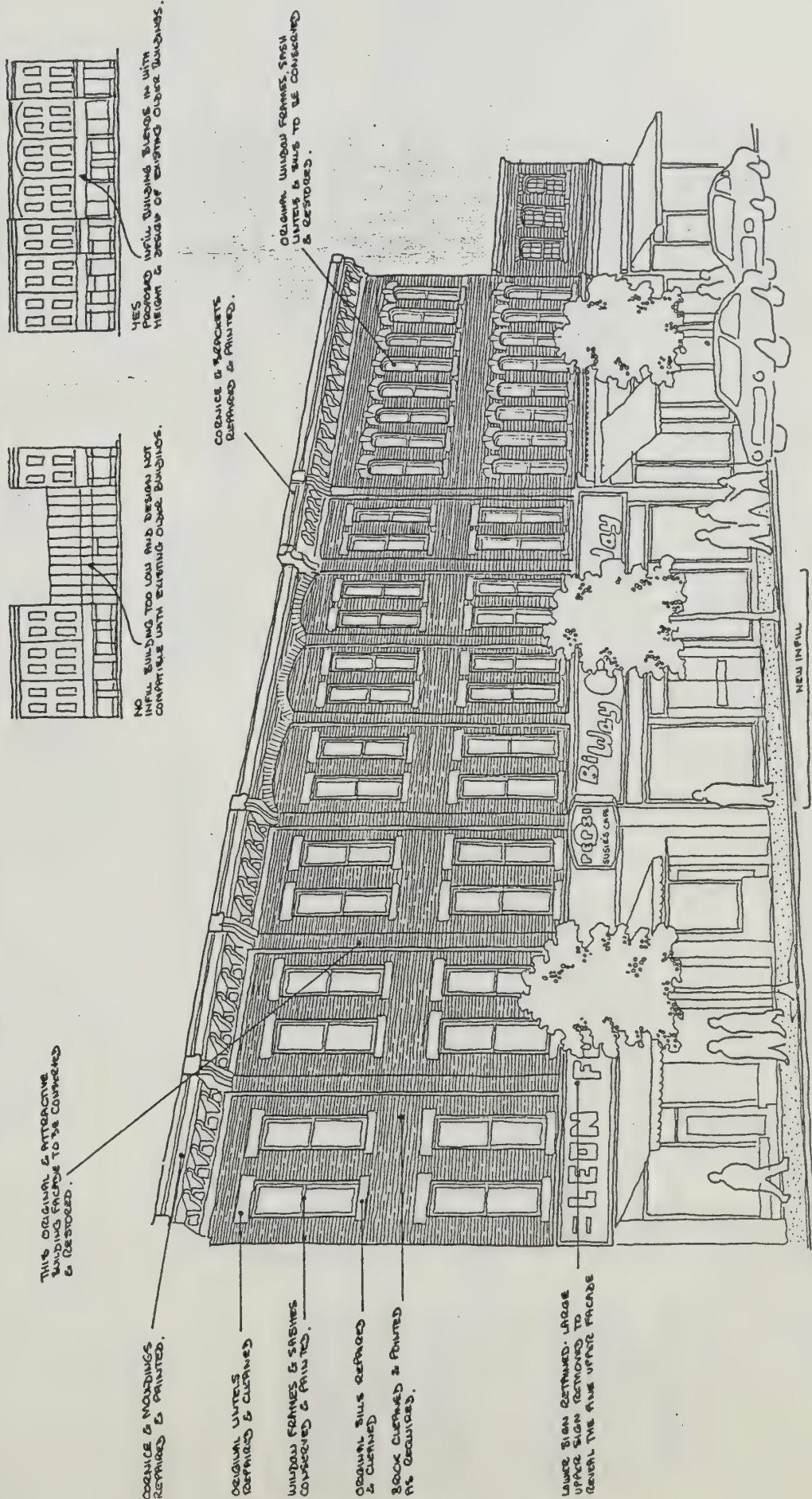
Inspection of building work in the district is deemed crucial to ensure sound and proper conservation practices are followed. Through a more comprehensive building permit application, as discussed in the previous subsection, a sound intent can be established. It is important now to translate that intent into practice. To assist the City it is proposed that a member of L.A.C.A.C. be appointed to inspect building work under the authority of, and answerable to, the City's Building Department.

In this way, the L.A.C.A.C. who are a main advisory committee for the district can ensure proper conservation is accomplished.

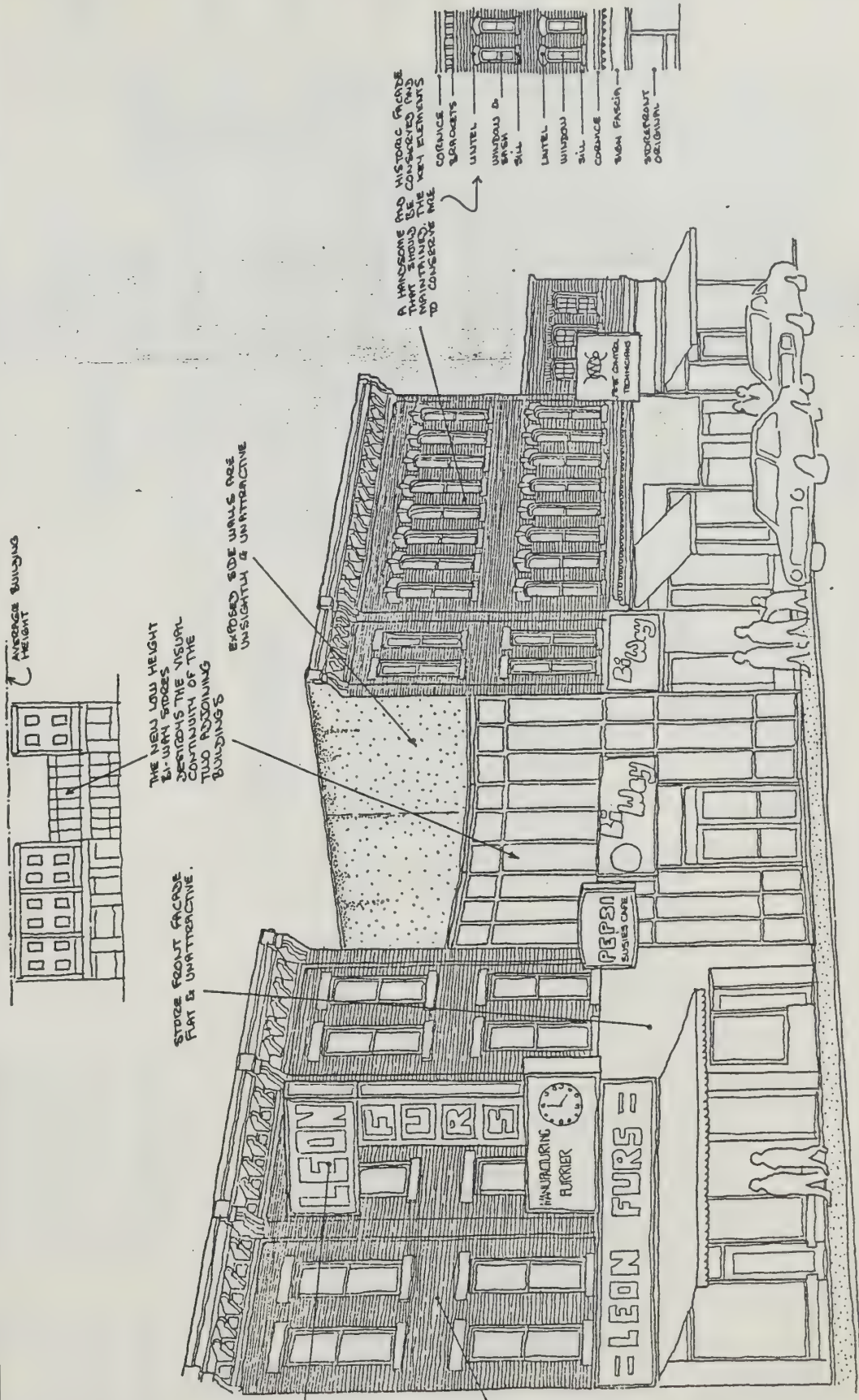
James Street North Hamilton
Heritage Conservation Guidelines



THIS LONG THREE STORY HIGH TERRACE BUILDING ON THE EAST SIDE OF JAMES STREET NORTH IS A MIXED HISTORIC WORK OF ARCHITECTURE THAT SHOULD BE CONSERVED. A SERIES OF DISJOINTED, IN QUALITY PARTS, THE AT PRESENT IT STANDS AS A SERIES OF DISJOINTED, IN QUALITY PARTS, THE CONSERVATION APPROACH IS TO REVEAL THE BUILDING TOGETHER BY RESTORING THE FACADE AS ONE. IT IS RECOMMENDED THAT THE BUILDING BE CLEANED AND ALL THE WINDOWS, CORNICES AND DETAILS REMOVED AND PAINTED.

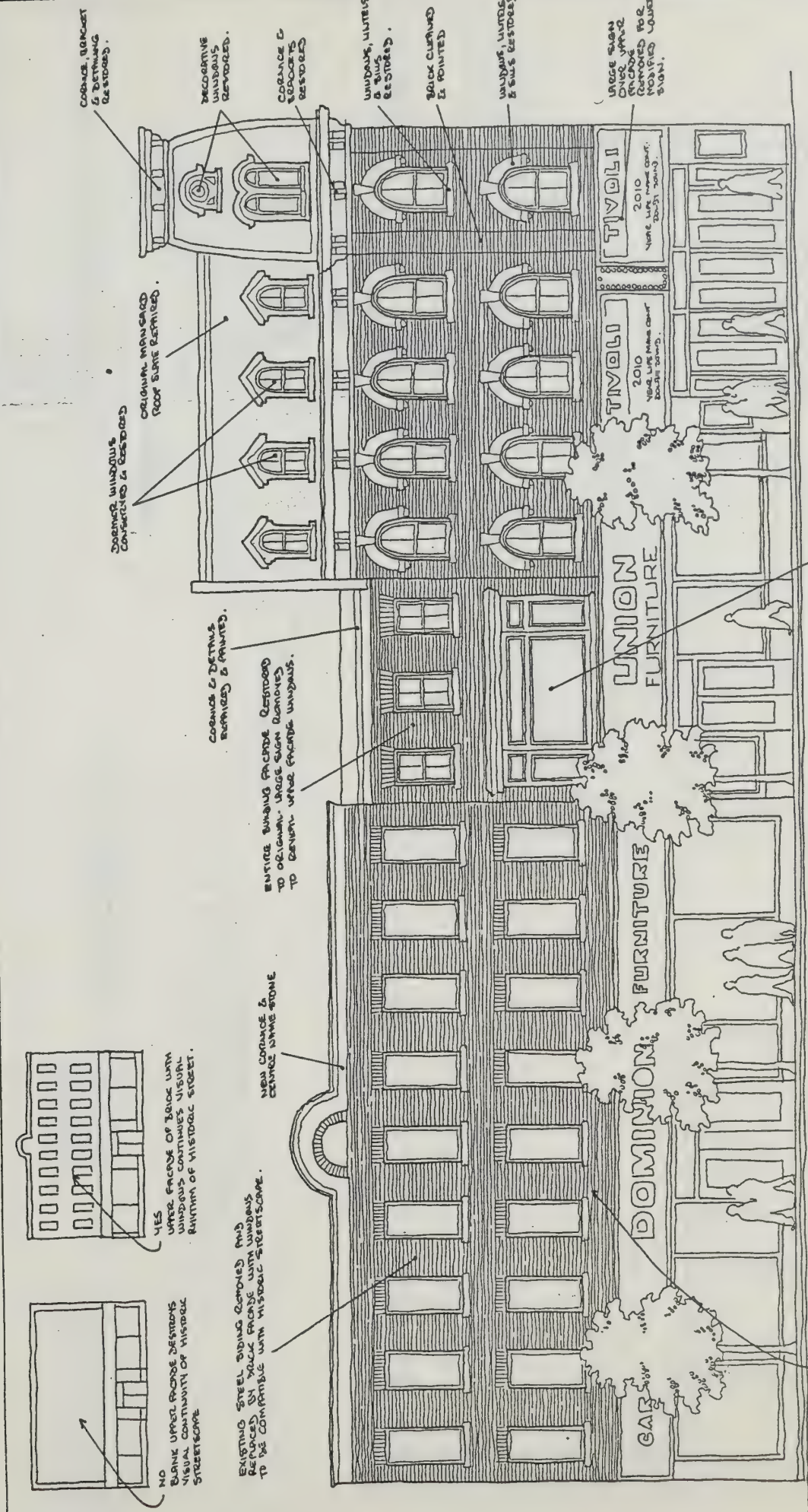


THE MAIN IMPROVEMENT PROPOSED FOR THIS GROUP OF BUILDINGS IS A MORE COMPATIBLE INFILL TO BRIDGE THE PRESENT UNDER 2 STOREY CURTAIN WALL BUILDING. THE NEW INFILL BUILDING SHOWN ABOVE CONTAINS THE PERMANENT HEIGHT AND WINDOW PROPORTIONS OF THE EXISTING HISTORIC BUILDINGS.



THIS GROUP OF BUILDINGS COMPRISES AN HISTORIC AND HANDSOME BUILDING FACADE, TYPICAL OF JAMES ST. N BUT THAT HAS BEEN DESTROYED BY A NEW CURTAIN-WALL LOW BUILDING. THE VISUAL CONTINUITY OF THE STREETSCAPE IS IMPAIRED BY THIS TYPE OF DEVELOPMENT AND A STREET CAN QUICKLY LOSE ITS DISTINCTIVE LOOK

James Street North Hamilton Heritage Conservation Guidelines



NO
BLANK UPPER FLOOR DESIGNS
VISUAL CONTINUITY OF HISTORIC
STREETSCAPE

YES
UPPER FLOOR OF BUILDING WITH
WINDOWS CONTAINING VISUAL
RHYTHM OF HISTORIC STREET.

EXISTING STEEL SIDING REMOVED AND
REPLACED BY BRICK FACADE WITH WINDOWS
TO BE COMPATIBLE WITH HISTORIC STREETSCAPE.

NEW CORNICE &
CEILING NAME STONE

CORNICE & DETAILING
REPAIRS & PAINTED.

DOORWAY WINDOWS
CONSERVED & RESTORED

CORNICE, PARAPET
& DETAILING
REPAIRS.

REPAIRING
WINDOWS
REMOVED.

CORNICE &
REPAIRS
REMOVED

WINDOWS, LINTELS
& SILL
RESTORED.

BRICK CURBED
& PAINTED

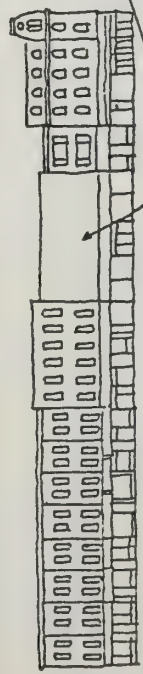
WINDOWS, LINTELS
& SILL
RESTORED

LARGE SIGN
OVER UPPER
FLOOR
REMOVED FOR
HISTORIC
SIGN.

SMALL WINDOWS
REPAIRS & PAINTED.

THIS LARGE GROUP OF BUILDINGS HAS A SIGNIFICANT PRESENCE ON JAMES
STREET NORTH. CONSERVATION AND RESTORATION WOULD BRING A TREMENDOUS
IMPACT. THE PRESENT BUILDING WHICH IS CURRENTLY BEING RECONSTRUCTED
DOMINION FURNITURE STORE DESIGNING THE VISUAL CONTINUITY OF THE HISTORIC
STREETSCAPE. IT IS PROPOSED THAT A NEW COMPATIBLE FRONTAGE BE BUILT
AS SHOWN ABOVE

James Street North Hamilton
Heritage Conservation Guidelines



NEW FACADE.

THE NEW STEEL SIDING FACADE OF THE DOMINION FURNITURE STORE IS A UTILITARIAN SOLUTION BUT HAS NO RELATIONSHIP TO THE HISTORIC STREETSCAPE OF JAMES ST. NORTH. THE VISUAL INTEGRITY OF THE STREET IS LOST. IF REFERRED RESOURCES JAMES ST. NORTH WOULD QUICKLY BECOME A "NON-PLACE" WITH NO DISTINCT CHARACTER.

WHEN A LARGE FACADE IS BRANCHED OVER THE VISUAL CONTINUITY & INTEGRITY OF THE STREETSCAPE IS LOST. THE CONTINUITY OF BUILDINGS AND TWO COORDINATE LINES IS WORKING.

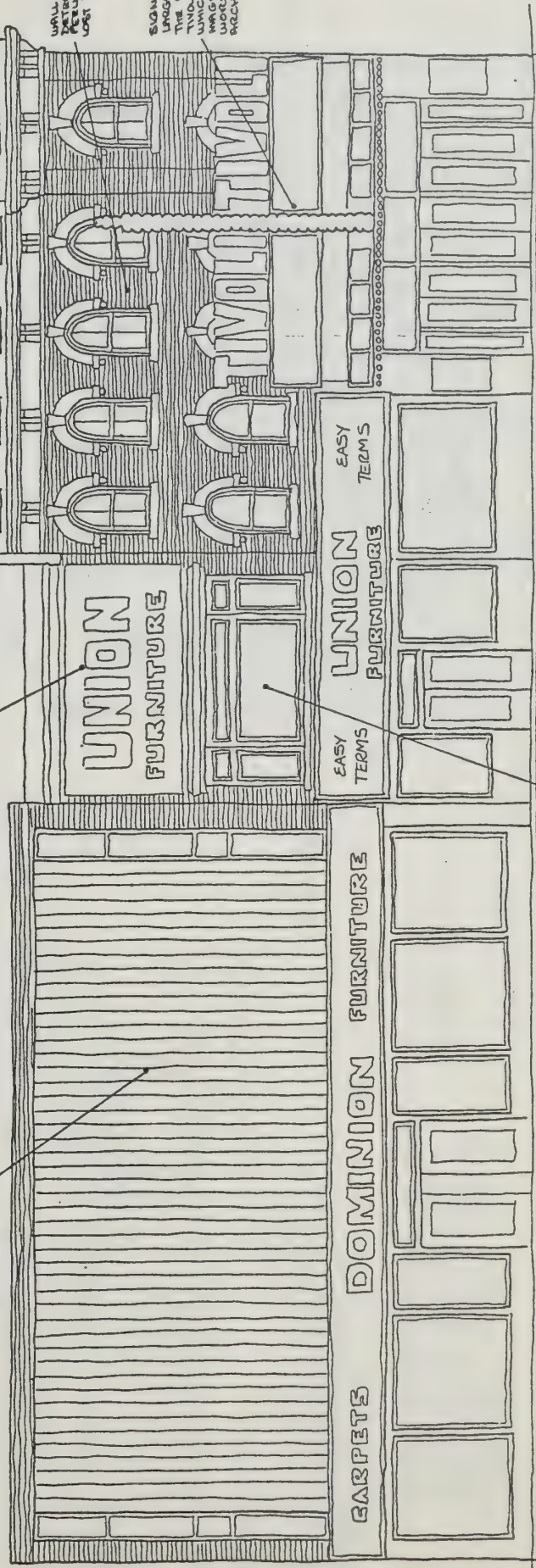
DOCKERS WINDOWS BOARDED UP.

ARCHITECTURAL DETAILS & FACADE HAS DEGRADED & FALLEN INTO A STATE OF DISREPAIR.

LARGE SIGN BOARD COVERS ARCHITECTURAL FACADE AND DIMINISHES THE HISTORIC ATTRACTIVENESS OF THE STREET.

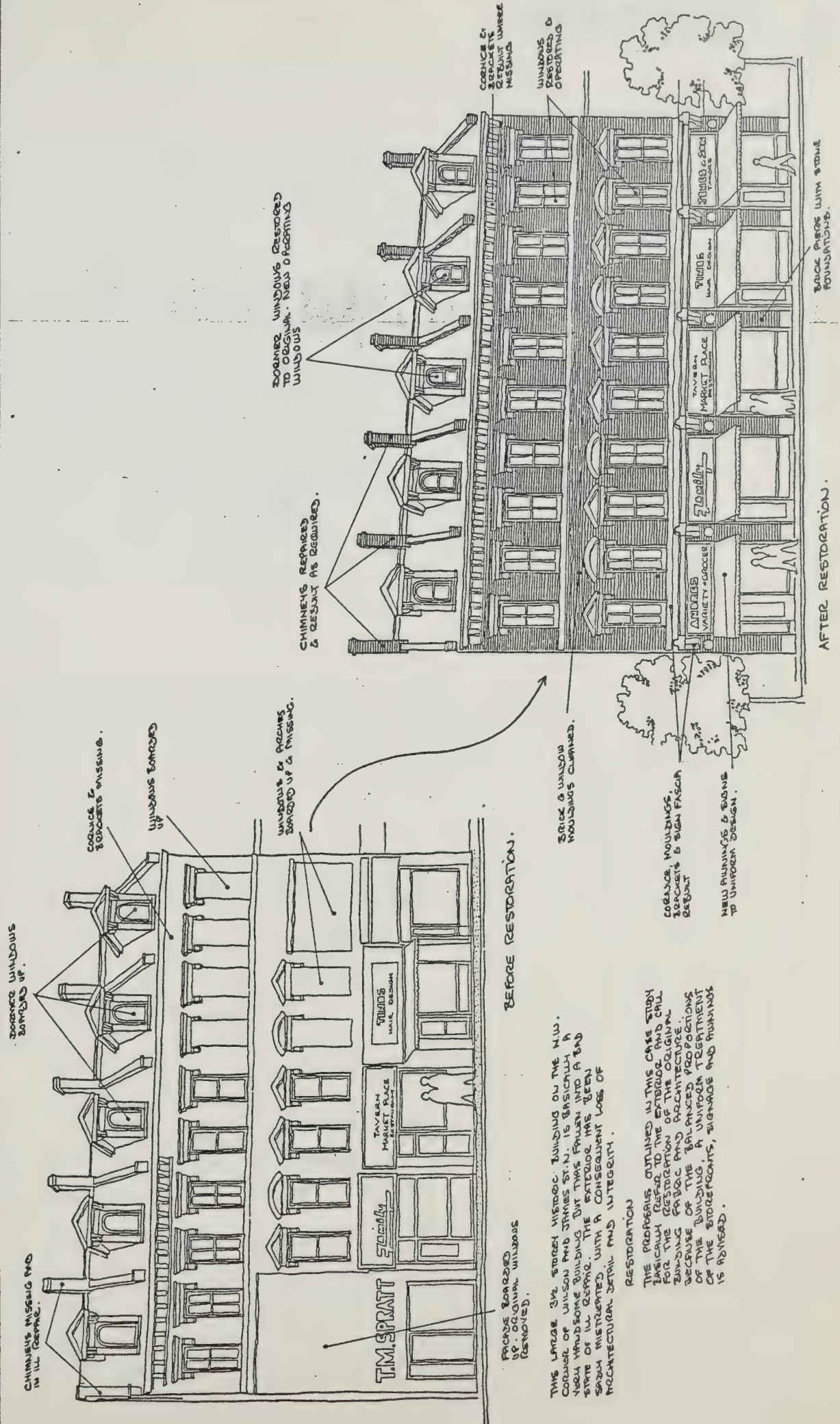
WALL FACED WAS REPAIRED BUT LOST DETAILS.

SIGNAGE IS TOO LARGE AND COVERS THE FACADE OF THE BUILDING. THE SIGNAGE IS NOT A NECESSARY PART OF THE WORK OF ARCHITECTURE.



THIS SMALL FACADE HAS A LOT OF FINE ARCHITECTURAL DETAILS INCLUDING A BAY WINDOW. AT PRESENT THESE FEATURES ARE LOST AND NEGLECTED.





JAMES STREET NORTH
HAMILTON

A HERITAGE CONSERVATION DISTRICT PLAN

REVIEW OF SUBMISSIONS
PLAN REFINEMENTS

Nicholas Hill
Architect/Planner
London

12 May, 1987.

JAMES STREET NORTH • HAMILTON

A HERITAGE CONSERVATION DISTRICT PLAN

REVIEW OF SUBMISSIONS

1. INTRODUCTION

On March 23, 1987 a public meeting was held to review the draft plan of a Heritage Conservation District Plan for James Street North in the City of Hamilton. The meeting was preceded by an open house. Submissions were requested to be made within 30 days following the meeting. This report reviews the submissions with recommended changes to the Plan. A number of submissions were made immediately upon completion of the Plan in April of 1985.

2. SUBMISSIONS

2.1 William Pearce - Planning and Development Department Regional Municipality of Hamilton-Wentworth

This submission approved the Plan. Suggested improvements were as follows:

- Emphasize Zoning and Site Plan approval to achieve Plan's goals.

2.2 W. G. Cottrell - Parking Authority City of Hamilton

This submission of August 1985, basically maintained the following with regard to the Plan:

- Car parking is adequate.
- Direction to car parks is adequate.
- Slight deficiency of car parking on James Street North between Barton and Murray Streets.
- One way traffic flow acceptable.
- James Street North requires a marketing strategy.

2.3 N. R. McMenemy - Co-ordinator of Community Renewal
City of Hamilton

This submission of July 1985, basically maintained the following with regard to the Plan:

- No significant advantage to heritage designation.
- Plan's guidelines could equally be implemented through the Official Plan, Zoning by-law.
- Heritage funds severely limited to be effective.
- Plan is short on specific recommendations.

2.4 M. F. Main - Director of Traffic Services
City of Hamilton

This submission of September 4, 1985, noted the following with regard to the Plan:

- The 4:00 p.m. to 6:00 p.m. "No Parking" on James Street North can be relaxed.
- Removal of on-street metered parking in front of Ricca Factory Furniture can be replaced by a "loading zone" stop.
- James/John "one way", is the only adequate route to serve the C.B.D.
- Benefits of two way traffic on James Street North are dubious and the disadvantages significant and serious.
- Speed of traffic on James Street North is not excessive and pedestrian crossings are adequate.
- Parking violations are high on James Street North.
- Plan contains contradictions.

2.5 David Cuming - Conservation Officer
Ministry of Citizenship and Culture

Two submissions were received; June 6 and July 25, 1985. The basic comments were as follows:

- Include section on funding.
- Describe the building permit application procedure.

- Illustrate conservation guidelines.
- Detailed conservation guidelines required for:
 - architectural details
 - fenestration
 - storefronts
- Indicate undesirable changes:
 - blocking-up windows
 - covering facade with siding

2.6 Nina Chapell - Architectural Historian
Planning Department, City of Hamilton

The submission was a map of Schedule "B" with recommended designation changes.

2.7 Questionnaire Responses

Five questionnaires were returned after the meeting with the following results:

- Three support, in principle, the Plan.
- Two do not support, in principle, the Plan.
- Two support designation under the Act.
- Three do not support designation under the Act.
- Three support, in principle, zoning changes.
- Two do not support, in principle, zoning changes.

2.8 David Godley - Planning and Development Department
City of Hamilton

This submission advises that alternate initiatives be pursued in response to general opposition by the James Street North community to the Plan. In effect, the submission advises that a further modified guideline plan be prepared that will incorporate the spirit of the Plan, but in a voluntary guideline manner. Further initiatives include an educational and information program by the L.A.C.A.C. to foster conservation and rezoning.

Mr. Godley also suggested a number of text changes to the Plan, specifically with regard to streets, traffic and car parking.

3. CONSULTANT RESPONSE

3.1 INTRODUCTION

The response to the submissions has taken a twofold course. The first course has been to make appropriate and reasonable changes to the Heritage Conservation District Plan document based on the submissions. The second course has been to respond to the history of the Plan, the general concerns and opposition by the James Street North community and Mr. Godley's recommendation for an alternate urban design guideline type plan.

3.2 PLAN CHANGES

Following a review of the submissions the following changes are advised to the Plan:

i) Schedule "B"

Redesignate to "B" category:

#68 to #70

#114

#170 to #174

#224 to #246

#302

#75

#151 to #153

#185 to #191

#345

Redesignate to "A" category:

#14

Redesignate to "C" category:

#310 to #312

#322

#336 to 340

- ii) Add to the Policy sections of "A" and "B" buildings:
 - Sandblasting shall be strongly discouraged.
- iii) Add to 5.4 ACTIONS:
 - The Official Plan and Zoning by-law will be amended to implement policies of the Plan.
 - The L.A.C.A.C. shall take a key role in encouraging, advising and assisting property owners to conserve and restore the historic building stock.
- iv) The Transportation and Car Parking section was a major part of the Plan and one that also received comprehensive submissions from the Parking Authority and Traffic Services Departments of the City. A major divergence exists between the perception by the community of problems in this regard and the scientific data of the Parking and Traffic Departments. The former perceives it to be a major problem, while the latter does not.

The changes to the Plan have been made to respond to both parties in a meaningful, but not compromising, way.

6.2.1 Page 19

- Line 4 change "ruinous" to "adverse".
- Line 15 add "perceived with regard to".

Page 20

- Line 9 change "does not complement" to "is of concern to".
- Line 10 delete "If it did...." sentence.
- Line 11 change to "The traffic flows heavily ...".
- Line 13 change "indicates the severity ..." to "This presents problems for James Street North as a pedestrian place".

6.2.3 Page 21

- Line 5 add "Adverse impact on the front facade shall be minimized."
- Line 6 change "reduced" to "attuned".
- Line 8 change to "Opportunities for additional pedestrian crossings should be explored to enhance pedestrian status in the area."

Add Policy "Traffic changes will take account of the special nature of James Street North."

6.2.4 Page 21

- Line 1 add "completed".
- Line 3 add "completed".

Page 22

- Line 3 change to "Consideration to not allowing direct access from the proposed perimeter road south to James Street North will be considered in the Perimeter Road Study."

7.4 ACTIONS

- Change "form a" to "continue the".

v) Building Permit Applications

Mr. Cuming advised that a section be added to the Plan with regard to building permits in the District. A section entitled "Section 9 - PERMIT APPLICATIONS" has been added.

vi) Illustrations

Mr. Cuming advised that illustrated guidelines be added to the Plan. An additional illustrated section entitled "HERITAGE CONSERVATION GUIDELINES" has been added to the Plan.

3.3 GENERAL COMMENT

Of significance in the preparation of the Plan has been the considerable concern expressed by the James Street North community to heritage conservation. Heritage conservation is a laudable pursuit, but it can only effectively be realized when there is a meaningful understanding and support by those directly affected. The process of achieving heritage conservation is as important as the end result to achieve positive results. The process of preparing the James Street North Heritage Conservation District Plan differed significantly from other heritage plans that have been prepared and approved in the Province. The two major differences include:

- Major control role by City Planner (D. Godley).
- Minor role of the L.A.C.A.C. (Local Architectural Conservation Advisory Committee).

Mr. Godley must be lauded for his major role over the past three years in controlling the process, format, committee make-up, timing, consultant role and public input to the Plan.

In many regards the presence and responsibilities of the L.A.C.A.C., which traditionally take the lead role in conservation and heritage plans in the Province, have been fulfilled by Mr. Godley.

In the event that the Heritage Conservation District Plan continues in principle to be unacceptable to the James Street North community, it is advised that Mr. Godley's recommendations for an alternate urban design guideline plan be considered. This should be considered, however, as a separate document and not a massively altered Heritage Conservation District Plan with most reference to heritage deleted, as implied in Mr. Godley's letter of May 5, 1987.

JAMES NORTH HERITAGE DISTRICT
POSSIBLE ZONING MODIFICATIONS

APPENDIX 3

'H' DISTRICT

1. USES

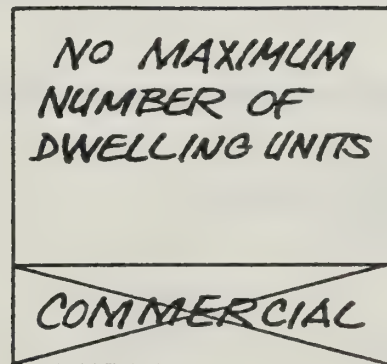
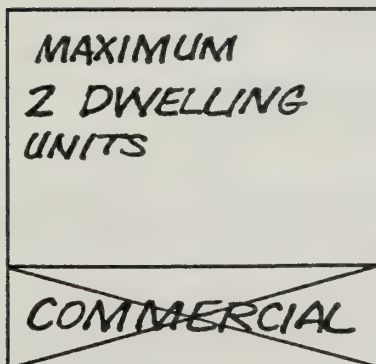
- a) Allow dwelling units without the following restrictions:
- i) 1 or 2 dwelling units in the same building with permitted commercial.
 - ii) 1 dwelling unit for each 2,000 square feet of lot area provided the building does not exceed 2 storeys and provided the GFA of building used for dwelling units does not exceed the GFA used for commercial.

Purpose - to allow more residential use.

i) EXISTING

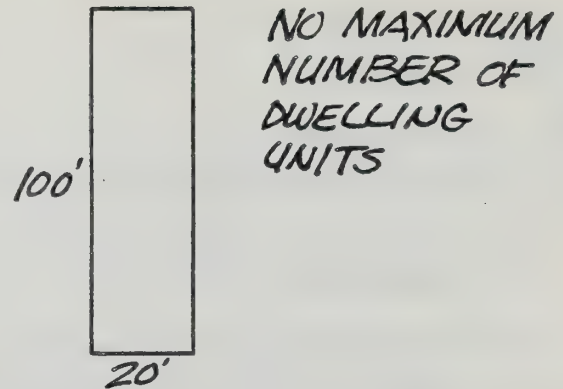
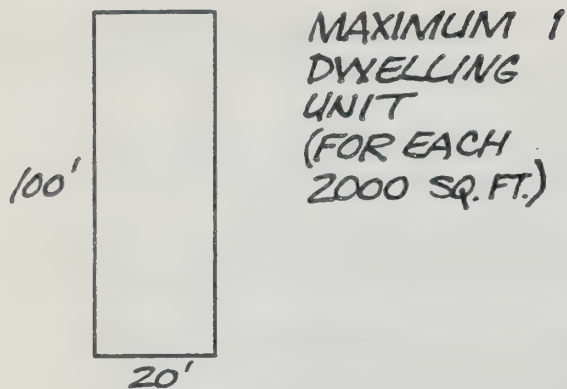
PROPOSED

PLAN VIEW



ii) EXISTING

PROPOSED



PLAN VIEW

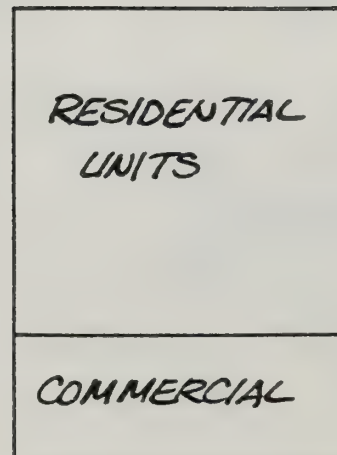
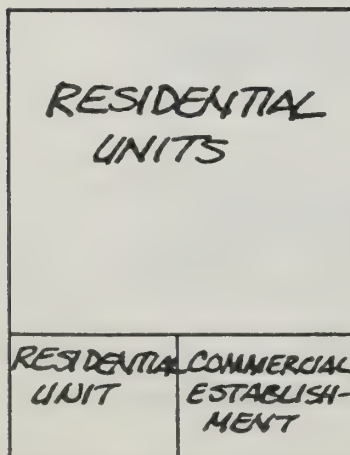
- b) No new dwelling units to be allowed on the first floor frontage of James Street North.

Purpose - to provide continuous non-residential frontage.

EXISTING

PROPOSED

PLAN VIEW

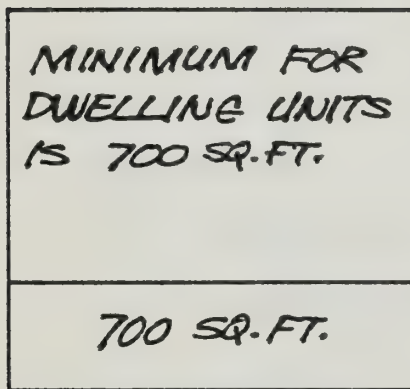


2. AREA REQUIREMENTS FOR RESIDENTIAL CONVERSIONS

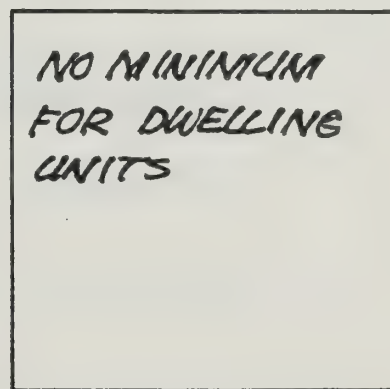
- a) Delete the requirement that the new dwelling units have at least 700 square feet of floor area:

Purpose - to encourage residential conversions.

EXISTING



PROPOSED



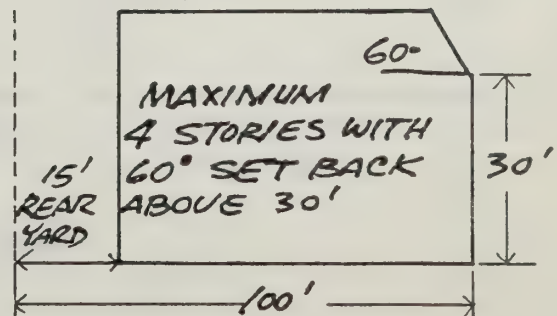
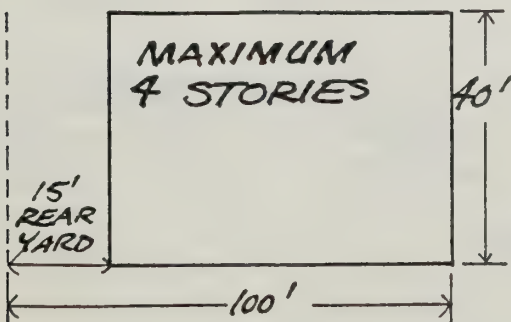
PLAN VIEW

3. HEIGHT

- a) Add 60° angle of set back above 30 feet from the facade of the building.

Purpose - to prevent development overpowering the human scale of the street.

WITHOUT SIDE YARDS



CROSS SECTION

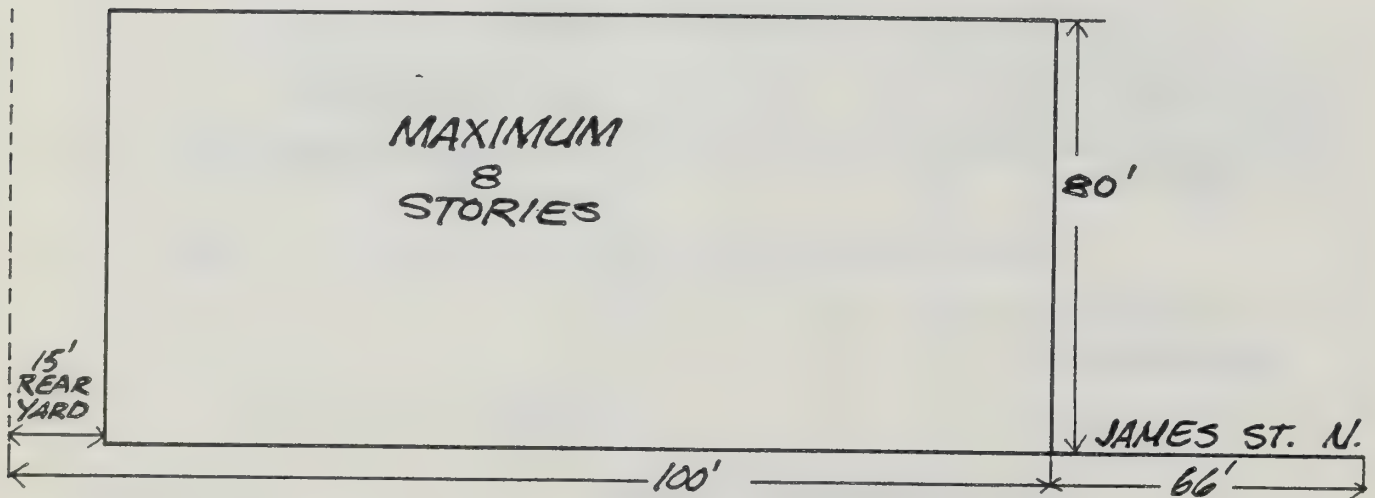
3. HEIGHT

- a) Add 60° angle of set back above 30 feet from the facade of the building.

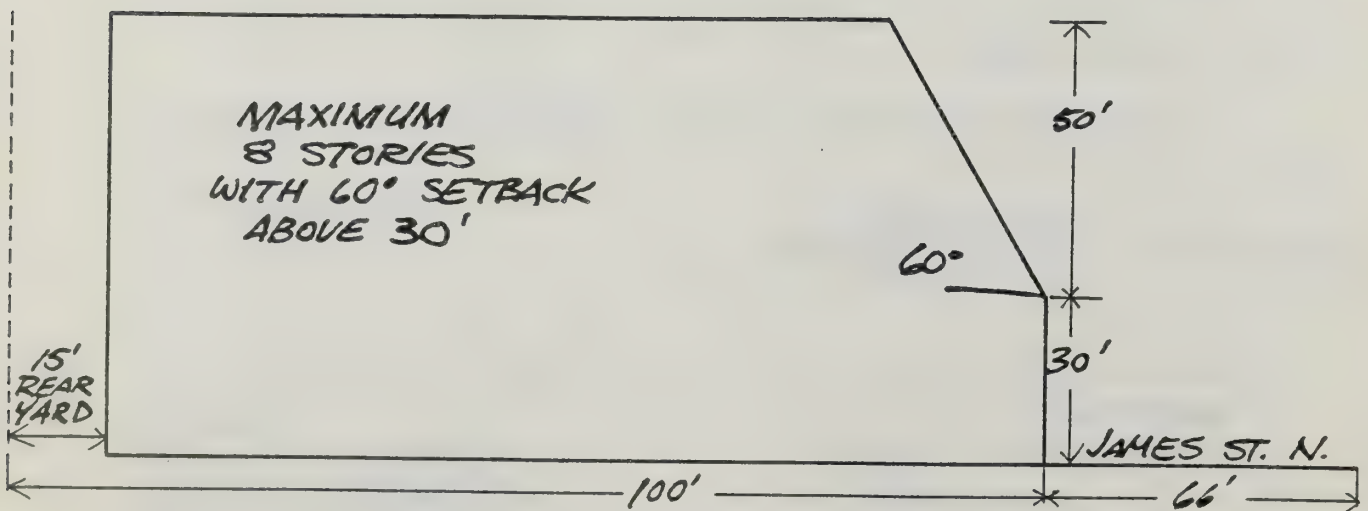
Purpose - to prevent development overpowering the human scale of the street and to allow sunshine to penetrate.

CROSS SECTION

EXISTING
WITH 10' SIDEYARDS



PROPOSED



- b) Require minimum 2 storey or 20 feet high frontage on James Street North.

Purpose - to provide an urban environment in keeping with street character.

EXISTING

1 STOREY

PROPOSED

MINIMUM
2 STOREY FRONTAGE 20'
OR 20' HIGH

FRONT VIEW

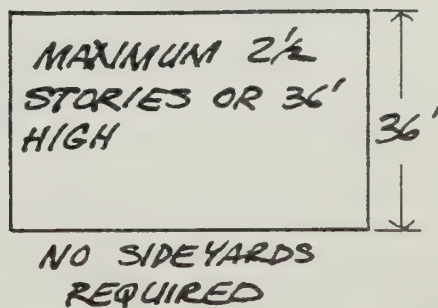
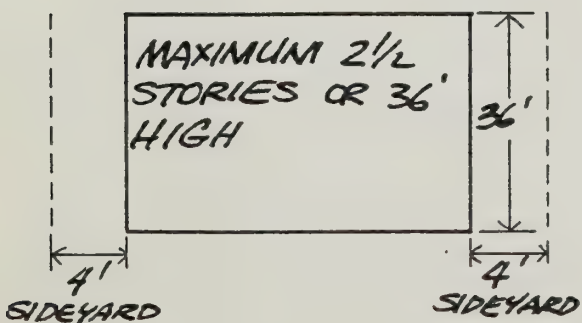
4. SIDEYARDS

- a) Delete the following restrictions:

- i) 4 feet sideyard for residential building not over 2 1/2 storeys or 36 feet high.
- ii) 9 feet sideyard for residential building over 2 1/2 storeys high.
- iii) sideyard requirements where adjoining district requires a sideyard.

i) EXISTING

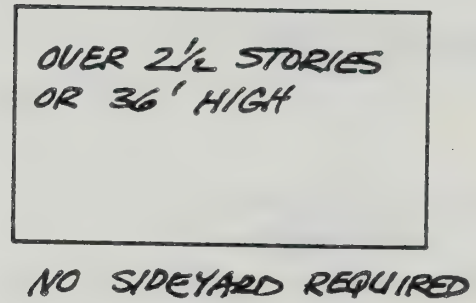
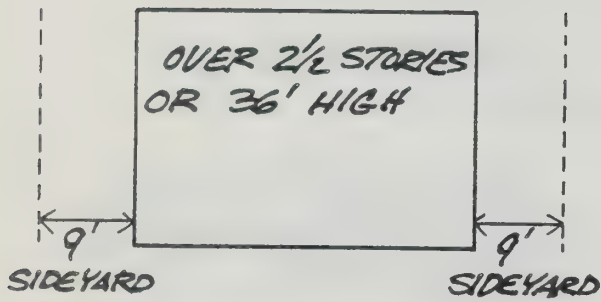
PROPOSED



FRONT VIEW

ii) EXISTING

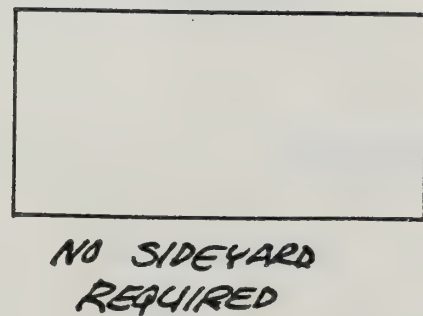
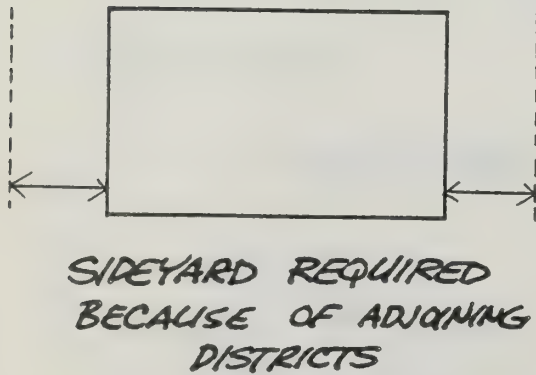
PROPOSED



FRONT VIEW

iii) EXISTING

PROPOSED

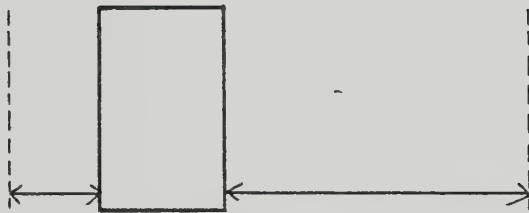


FRONT VIEW

- b) add that no side yard should be greater than 10 feet.

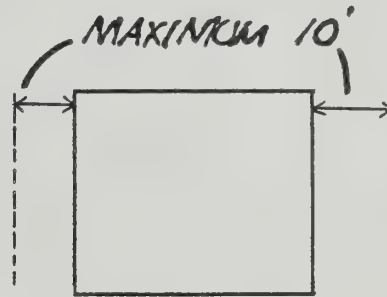
Purpose (a + b) - to encourage a continuous built frontage on James Street North.

EXISTING



SIDEYARDS REQUIRED
(VARYING WIDTHS)

PROPOSED



NO SIDEYARDS
REQUIRED

FRONT VIEW

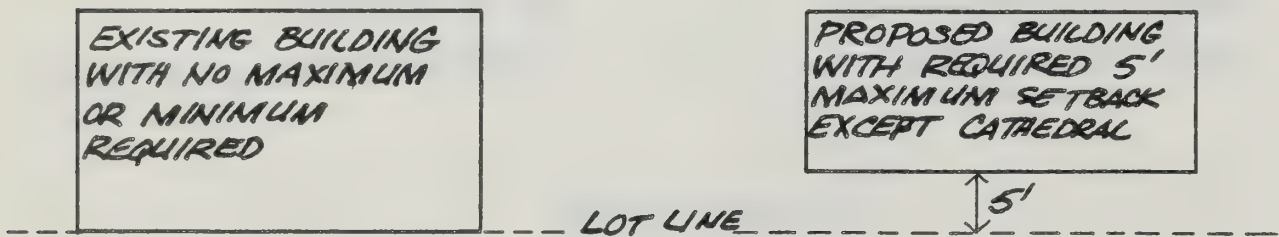
5. FRONT YARDS

- a) Delete the requirement that the depth to be at least as great as that required for lot on same side of street between two intersecting streets.
- b) Add maximum front yard 5 feet (except Cathedral).

Purpose (a + b) - to encourage an urban streetscape in character with existing.

EXISTING

PROPOSED



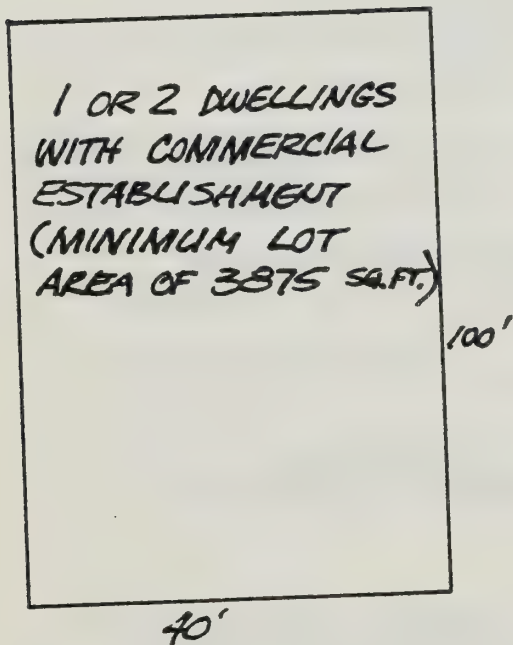
PLAN VIEW

6. INTENSITY OF USE

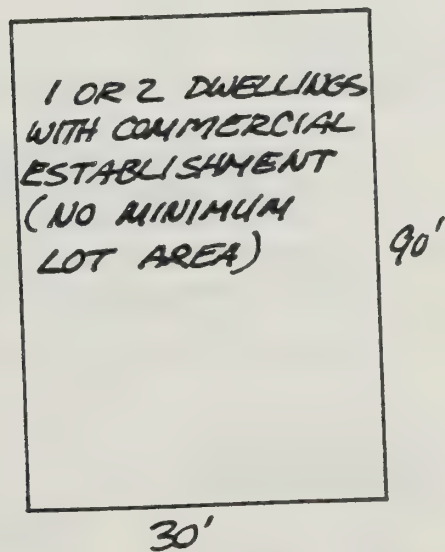
- a) Delete the requirement that if 1 or 2 dwelling units are in the same building with commercial use they must have 40 feet width and 3,875 square feet lot area.

Purpose - to encourage residential development.

EXISTING



PROPOSED



PLAN VIEW

7. PARKING

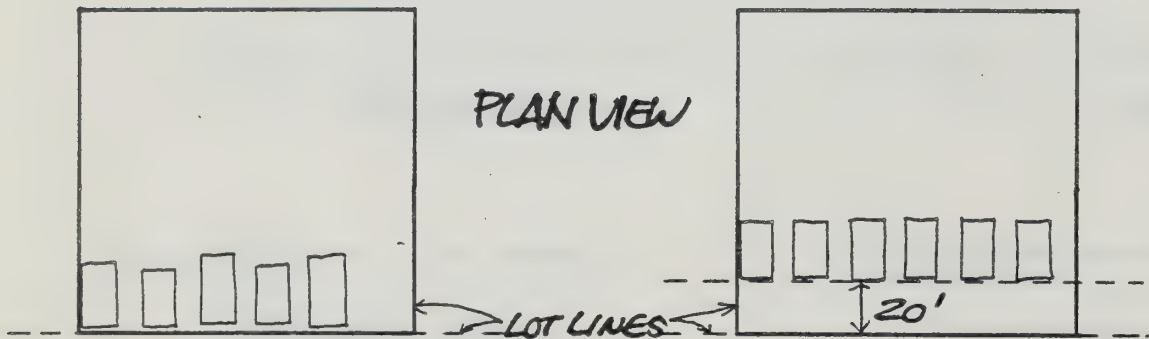
- a) Add that no parking be permitted within 20 feet of lot line fronting James Street North.

Purpose - to discourage car parks obtruding onto the James North frontage and to discourage demolition of buildings for car parking.

EXISTING

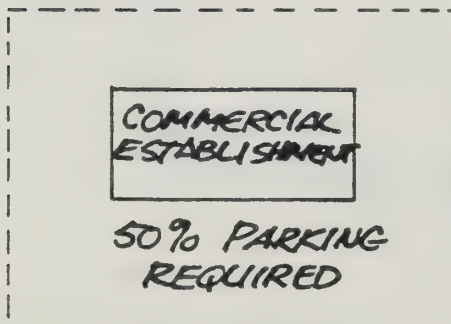
PROPOSED

PLAN VIEW

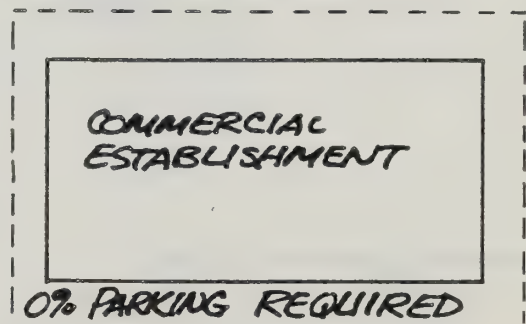


- b) Delete 50% parking requirement for commercial conversions between Cannon and Murray and add 0% parking requirement.

Purpose - to encourage commercial conversions and to be consistent with the south part of the street.



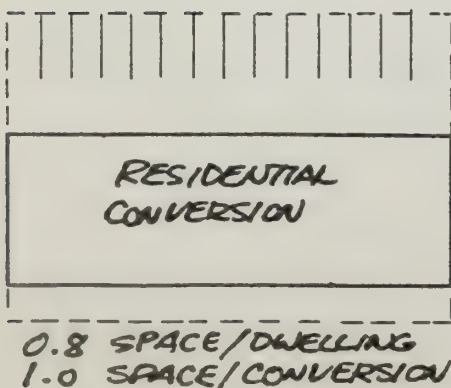
PLAN VIEW



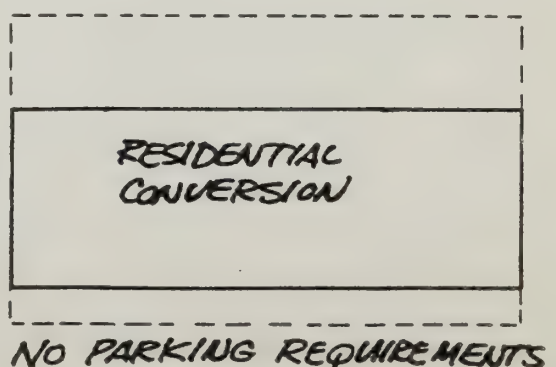
- c) Delete parking requirements for residential conversions as follows:

- i) For multiple dwelling - 0.8 space per dwelling between Wilson and Cannon.
- ii) For conversions - 1 space per dwelling (Cannon to Murray).

Purpose - to encourage residential conversion.



PLAN VIEW



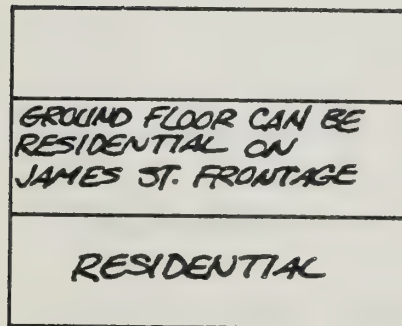
'I' DISTRICT

1. USES

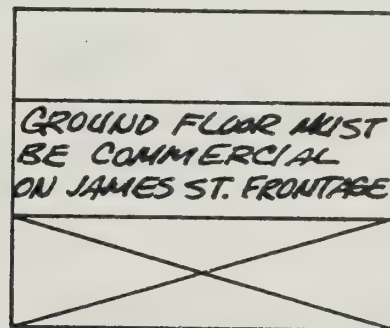
- a) No new dwelling units to be allowed on the first floor frontage of James Street North.

Purpose - to provide continuous non-residential frontage

EXISTING



PROPOSED



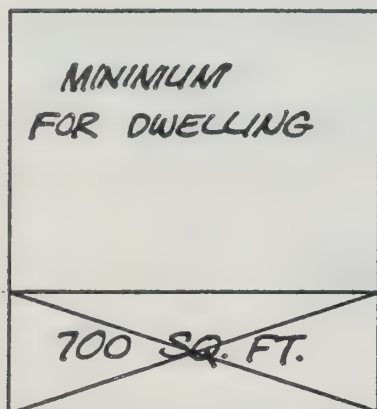
FRONT VIEW

2. AREA REQUIREMENTS FOR RESIDENTIAL CONVERSIONS

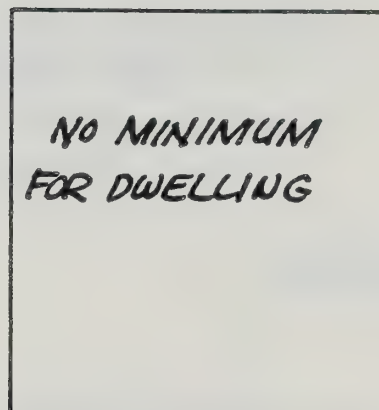
- a) Delete the requirement that the new dwelling units have at least 700 square feet of floor area.

Purpose - to encourage residential conversions.

EXISTING



PROPOSED



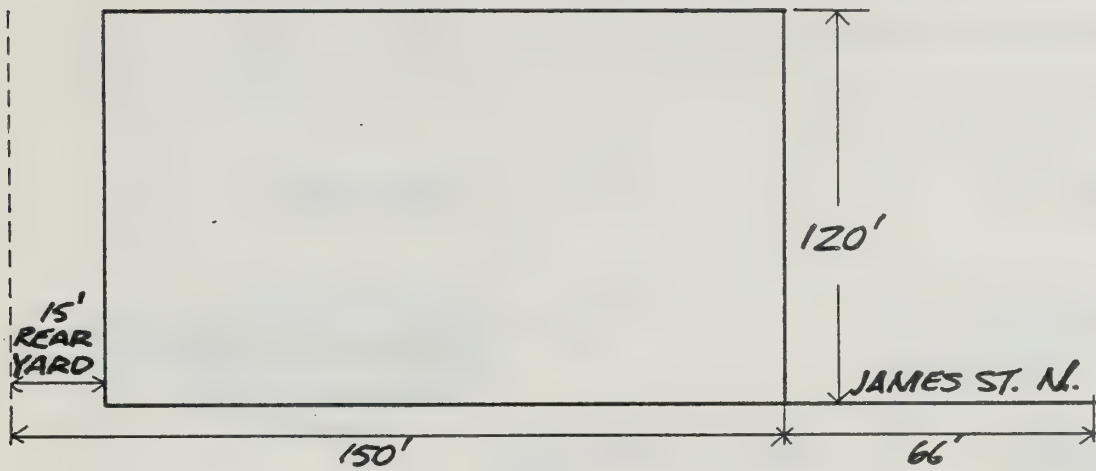
PLAN VIEW

3. HEIGHT

- a) Add an angle of set back of 60° above 60 feet from the facade of the building.

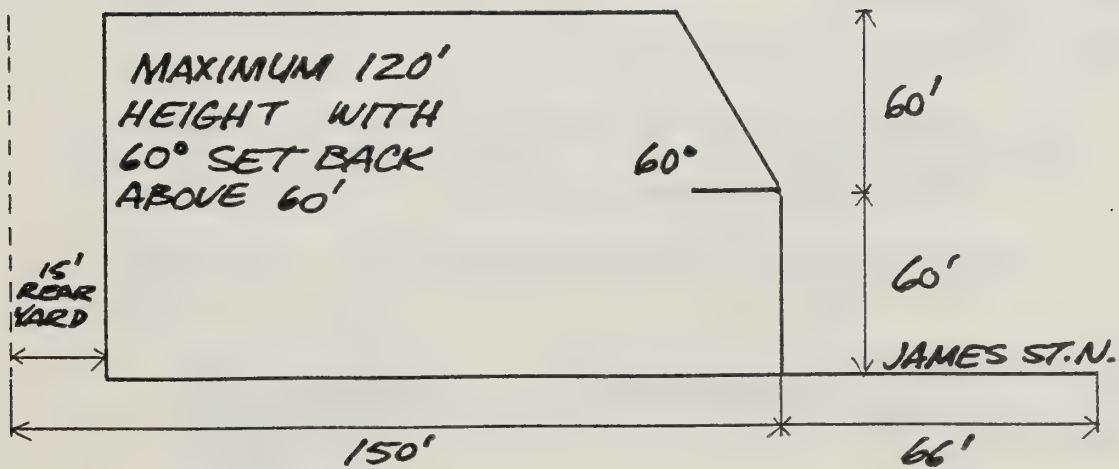
Purpose - to prevent development overpowering the human scale of the street.

EXISTING



CROSS SECTION

PROPOSED

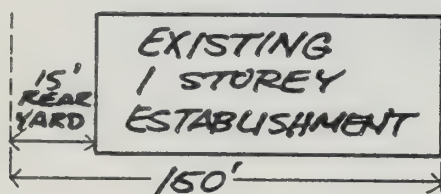


CROSS SECTION

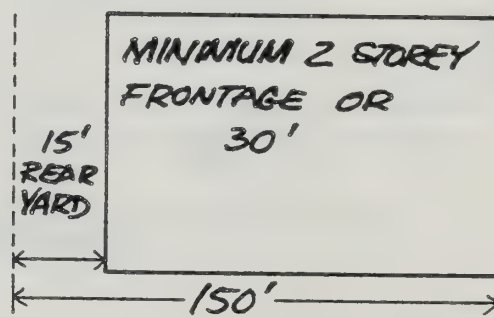
- b) Require a minimum 2 storey or 30 feet frontage on James Street North.

Purpose - to provide an urban environment in keeping with street character.

EXISTING



PROPOSED



CROSS SECTION

4. SIDEYARDS

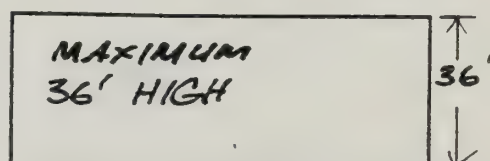
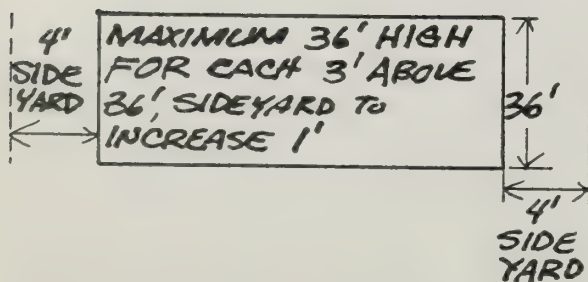
- a) Delete the following restrictions:

- i) For residential building not over 36 feet high, sideyard on each lot must be 4 feet. For each 3 feet above 36 feet the side yard to increase by a foot.
- ii) If not residential, sideyard must be same as adjoining district, unless residential when it will be 15' minimum.

a) i) EXISTING

RESIDENTIAL

PROPOSED



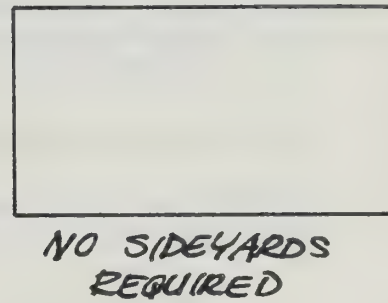
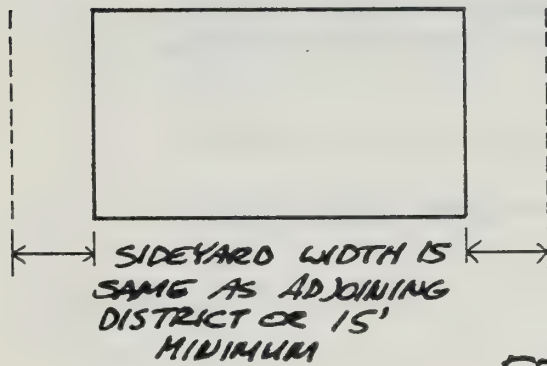
NO SIDEYARD
REQUIRED

FRONT VIEW

ii) EXISTING

NON-RESIDENTIAL

PROPOSED



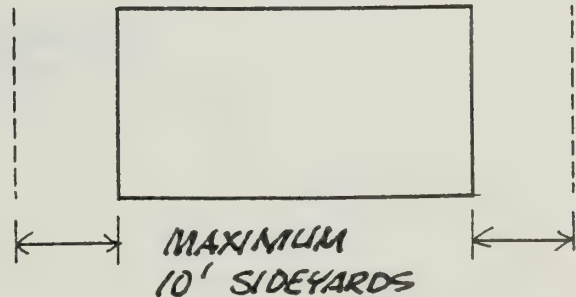
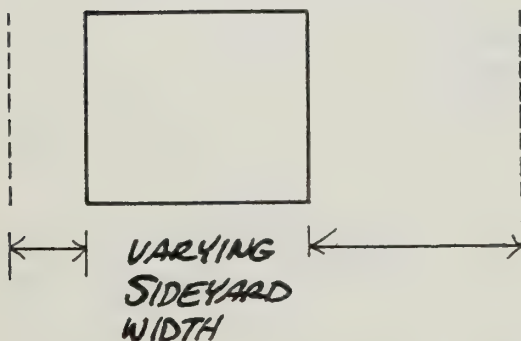
FRONT VIEW

b) Add that no sideyard should be greater than 10 feet.

Purpose (a = b) - to encourage a continuous built frontage on James Street North.

EXISTING

PROPOSED



FRONT VIEW

5. FRONT YARDS

- a) Delete the requirement that the depth to be at least as great as that required for lot on same side of street between two intersecting streets.
- b) Add maximum front yard 10 feet.

Purpose (a + b) - to encourage an urban streetscape in character with existing.

EXISTING

PROPOSED

EXISTING BUILDING
WITH NO MAXIMUM
OR MINIMUM
DEPTH REQUIRED

PROPOSED BUILDING
WITH REQUIRED 10'
MAXIMUM SETBACK

10'

LOT LINE

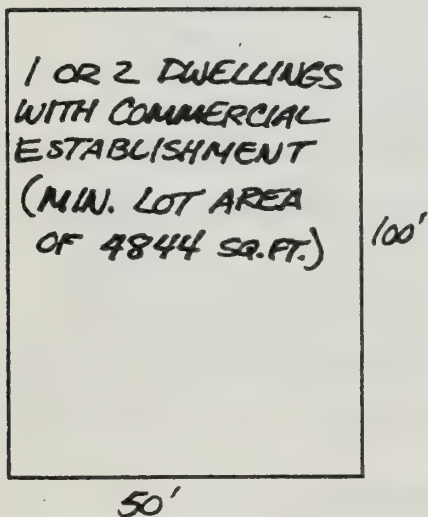
PLAN VIEW

6. INTENSITY OF USE

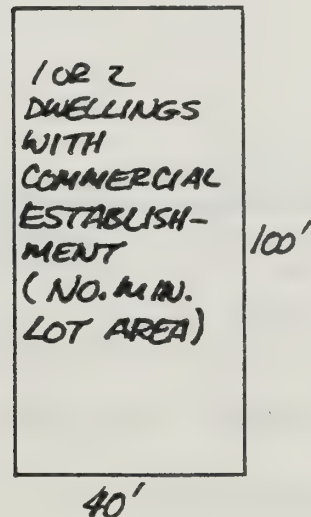
- a) Delete requirement that multiple dwelling erected, converted or reconstructed must have 50 feet width and 4,844 square feet lot area.

Purpose - to encourage residential development.

EXISTING



PROPOSED



PLAN VIEW

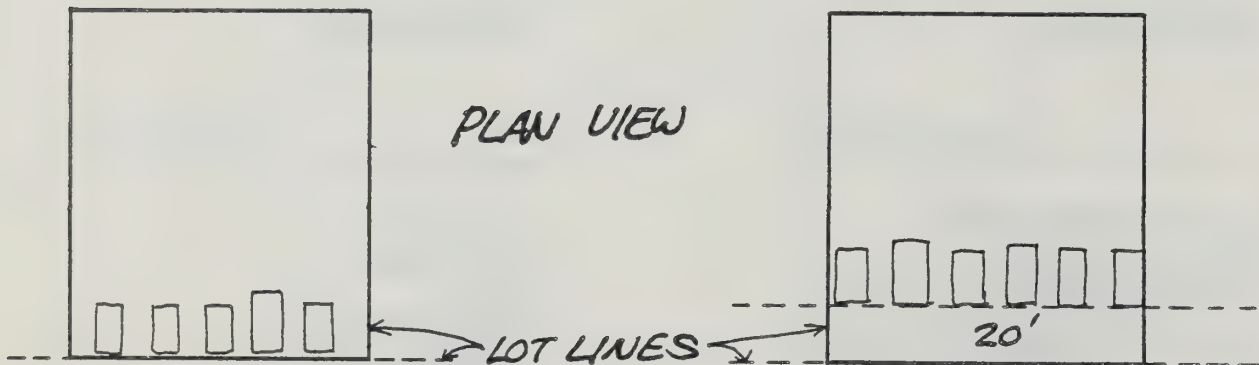
7. PARKING

- a) Add that no parking be permitted within 20 feet of lot line fronting James Street North.

Purpose - to discourage car parks obtruding onto the James North frontage and to discourage demolition of buildings for car parking.

EXISTING

PROPOSED

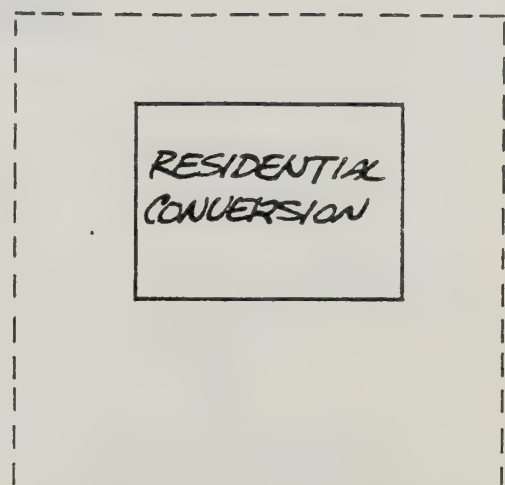
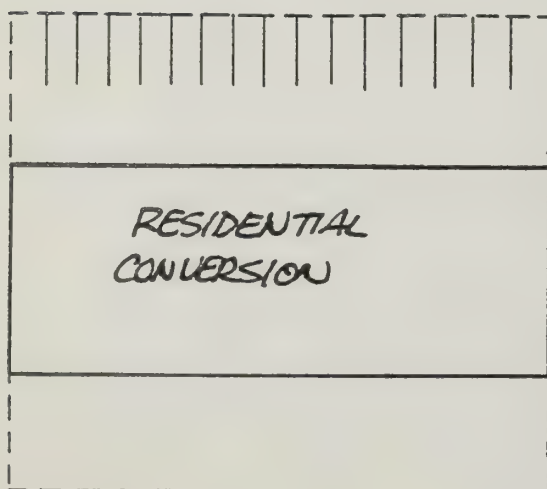


- b) Delete parking requirements for residential conversions to multiple dwellings which require .8 space per dwelling.

Purpose - to encourage residential conversion.

EXISTING

PROPOSED



0.8 SPACE/DWELLING

NO PARKING REQUIREMENTS

PLAN VIEW

SITE PLAN CONTROL

- Add site plan control (Section 40 of the Planning Act) to H and I District.
- This means all new development except minor additions has to be approved by the Planning and Development Committee. Only the owner can appeal to the Ontario Municipal Board.
- Site Plan Control controls the following only:
 - highway widenings (not applicable on James Street North)
 - accesses
 - on-site loading and parking
 - walkways and pedestrian access
 - lighting
 - landscaping
 - garbage facilities
 - easements for utilities
 - grading
 - massing and conceptual design
 - relationship of buildings
 - interior walkways
- Site plan control ensures satisfactory site layout and gives the opportunity to the City and James North Community to discuss proposals and bring to the attention of the owner the James North Heritage District Plan and its goals.

DG:jd
W.P. 0026P

RECOMMENDATION

That the plan for James Street North, prepared by Nicholas Hill, Architect and Planner (Appendix 1) be adopted as a guide for development of the street with the following modifications:

1) Remove references and policies relating to heritage conservation district, heritage permits, James Street North Planning Committee and heritage consultants.

2) Replace 'Building', Actions, Section 5.4 with the following:

"The most effective way of achieving the plan is through heritage conservation district designation under the Ontario Heritage Act. However, the business community have made it clear that this is unacceptable at this time because of impacts on property rights, bureaucratic procedures involved and possible delays in approvals. However, other initiatives can be taken to achieve the goals and objectives of the plan, without district designation.

- o A liaison committee will be formed in consultation with the James North community to deal with the general implementation of the plan. It will provide close liaison between the street community and City Hall. It will initiate actions to improve the street and deal with issues as they arise.
- o LACAC will be concerned with heritage conservation aspects of plan implementation, specifically the James North historic streetscape. Because the area is recognized as an area of architectural and historical significance LACAC's function will be (1) to give information and advice about heritage conservation matters, e.g. architectural history, sandblasting, (2) identify suitable buildings for restoration and encourage restoration through funding programs.
- o The Official Plan and Zoning By-law will be amended to implement policies of the plan to ensure new development conforms to or enhances the character of the street by requiring new buildings to be set forward on the site and that a minimum number of stories be required. Details will be worked out in conjunction with the James North community.
- o Other zoning initiatives such as relaxation of parking and conversion requirements, continuous commercial development and defining a building envelope as well as heritage conservation district designation will be considered for smaller areas when requested by those affected."

3) Add to Streetscape, Actions, Section 6.2.4:

"Implement a parking strategy working with the Parking Authority including signage, access to parking, additional arrangements for parking and making approaches to owners to provide suitable parking in areas of shortage."



Ontario

APPENDIX 5

International Year of
Shelter for the Homeless



1987
Année internationale du
logement des sans-abri

Ministry of Ministère des
Citizenship Affaires civiles
and Culture et culturelles
Heritage Branch
 Architecture and Heritage
 Planning

X

DB M

77 Bloor Street West
Toronto, Ontario
M7A 2R9

77 ouest, rue Bloor
Toronto, Ontario
M7A 2R9

2nd Floor
416/965-4961

Your File:

Our File:

June 5, 1987

Mr. David Godley
Manager, Neighbourhoods Section
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Godley:

Re: James Street North -- Draft Plan

I am writing in response to your request for comments on the proposed modifications to the above cited plan. I understand that James Street North will not be designated under the Ontario Heritage Act, as the plan is not acceptable to the business community. This is unfortunate given your many efforts to encourage the designation and the adoption of the H.C.D. plan. The designation would certainly have allowed for the best approach to the conservation of the James Street North area.

The set of alternative initiatives and development controls, proposed to achieve the goals and objectives of the plan, should encourage sensitive development, along with the addition of some other measures which I am recommending for inclusion in the plan. The use of Site Plan Control, is an important planning tool that should be included as it has proven to be a key approach in discouraging building setbacks that can disrupt continuous streetscape patterns. The designation of individual buildings, under the Ontario Heritage Act, should also be considered for significant buildings that have an important contributing value for the area. The plan should also refer to the use of this Ministry's programs, particularly the Commercial Rehabilitation Grants component of the new "Preserving Ontario's Architecture" Program.

I trust that these comments will be of use to your review of the plan. I am also enclosing a listing of all the municipalities that are involved in district planning.

Yours truly,

Margo Teasdale

Margo Teasdale
Conservation Officer

MT:eq

Encl.

P.S. I will be able to attend the June 24 Public meeting.

To: David Godley

June 10 1987

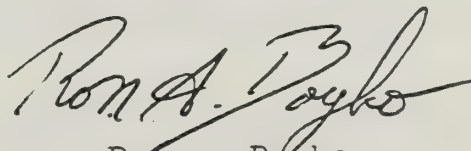
We represent a part of the street that opposes the James St. B.I.A., and we are acting on those merchants behalf. We are asking that the meeting not go on as scheduled on June 24. The message that was delievered at the last public meeting in March was quite clear we don't want Heritage or anything like Heritage. To have any further meetings would serve no purpose.

The segment of the street we represent will not attend any further meetings on this maner but we do submit to you in writing our opposition.

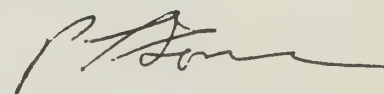
If you wish to offer other changes they should only be dealt with separetly from the Heritage scheme and treated as a new seperate proposal, and thus will be the only way that we would be willing to consider adopting and modifing. So in point form this is what we want.

- : Cancel meeting of June 24 1987
- : Cancel Heritage totally
- : Submit to the street your new recomondations
- : Give at least 1 week examin' recomondations
- : Hold Public meeting
- : If aproved send to Planning and Development

YOURS TRULY



Ron A. Boyko
527-5340



Paul Somers
528-0637

CITY OF HAMILTON
NOTICE TO CITIZENS

12-

DAY NURSERIES

PUBLIC MEETING OF
THE PLANNING AND DEVELOPMENT COMMITTEE

DATE: JUNE 25, 1987
TIME: 7:30 P.M.
PLACE: Room #233, City Hall (Second Floor)

to review land use policies and controls for Day Nurseries in the City of Hamilton.

Possible policy recommendations include:

- permitting Day Nurseries in most Official Plan designations and Zoning Districts;
- limiting Day Nurseries in most lower density residential areas to a maximum of 10 children;
- requiring parking for Day Nurseries at the rate of 1 space for 6 children;
- applying Site Plan Control to all Day Nurseries with over 10 children.

The report entitled Day Nurseries: An Assessment of Hamilton Land Use Policy and Controls is available for public viewing at the Planning and Development Department, 7th Floor, City Hall between 8:30 a.m. and 5:00 p.m., Monday to Friday.

Please come to the meeting at City Hall to make your views known. This meeting is for information and discussion only, final decisions will be made later.

For further information, call Bill Janssen at 526-4148.

S. Reeder
Secretary
Planning and Development Committee

F O R A C T I O N

13.

FROM Planning and Development Department

DATE May 20, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-31

RUSHDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning for the property located at No. 613 Stone Church Road East on the following basis:

Block "1" Change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) to "RT-10" (Townhouse) District, modified;

Block "2" Further modification to the existing "RT-10" (Townhouse) District.

The purpose of the proposed change in zoning is to permit the development of the subject lands for 73 co-operative townhouses and to retain the existing dwelling for an administrative, social, educational, recreational center for use by the co-operative. The existing building is to be designated under the Ontario Heritage Act.

RECOMMENDATIONS

1. That City Council Resolution (1986) 26 (R.P.D.C.7, December 9 be rescinded.
2. That approval be given to Zoning Application 87-31, Jubilee Consultants Services, prospective owner, requesting a change in zoning from "D" (Urban Protected Residential, etc.) District, modified to "RT-10" (Townhouse) District, modified and a further modification to the "RT-10" (Townhouse) District, to permit the development of Blocks "1" and "2" for 73 townhouses, for the property located at No. 613 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings) District, modified to "RT-10" (Townhouse) District;
 - ii) That the provisions of paragraph 2 of Section 2 of By-law 77-266, applicable to Block "2" be repealed.

iii) That the "RT-10" (Townhouse) District provisions contained in Section 10D of Zoning By-Law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:

(a) Notwithstanding Section 10D(2) and Sections 18.(4)(iii) and (iv), the following accessory use shall be permitted within the existing building only;

1) an administrative, educational, recreational and social center for use by the Co-operative.

iv) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27C be notated S ;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Map E-27C;

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. That the existing building be designated under Part IV of the Ontario Heritage Act, R.S.O. 1983 prior to the amending By-Law being passed by City Council;

4. That Block "1" be redesignated from "Single and Double" housing to "Attached Housing" in the Approved Rushdale Neighbourhood Plan.

EXPLANATORY NOTE

The purpose of this By-Law is to provide for a change in zoning for the property located at No. 613 Stone Church Road East on the following basis:

Block "1" Change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings) District to "RT-10" (Townhouse) District, modified.

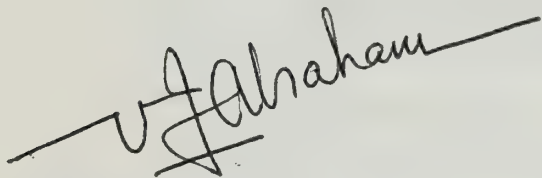
Block "2" Further modification to the "RT-10" (Townhouse) District.

The effect of the By-law is to permit the development of the subject lands for 73 co-operative townhouses and to retain the existing single family dwelling for an administrative, recreational, educational and social center for the co-operative. The existing dwelling will be designated under the Ontario Heritage Act as a building of historic and architectural value.

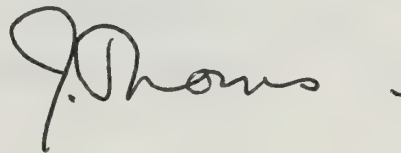
In addition, the By-Law would require the following variances:

- o to permit an administrative, recreational, educational and social center as an accessory use for the co-operative (Section 10D);
- o to exempt the accessory building from the yard and height requirements (Section 18);

- o to repeal paragraph 2 of Section 2 of By-law 77-266 restricting the number of townhouse units;
- o to require that the existing building be designated under Part IV of the Ontario Heritage Act.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Jubilee Consultants, prospective owner.

LOT SIZE AND AREA

Block "1"

- o 53.64 m (176 ft.) of lot depth
- o .74 ha (1.8 ac.) of lot area

Block "2"

- o 100.58 m (330 ft.) of lot frontage
- o 128.01 m (420 ft.) of lot depth
- o 1.29 ha (3.18 ac.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Stone farm house vacant	"RT-10" (Townhouse) District "D" (Urban Protected Residential - One and Two Family Dwellings) District

Surrounding lands

To the north	Vacant	"C" (Urban Protected Residential, etc.) District
To the south	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Vacant, single family dwellings	"AA" (Agricultural) District
To the west	Future townhouse development	"D" (Urban Protected Residential - One and Two Family Dwellings) District "RT-20" (Townhouse-Maisonette) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

Block "1" is designated "Single and Double" Housing in the Approved Rushdale Neighbourhood Plan. Block "2" is designated for "Attached Housing". The proposal complies with Block "2", however, a redesignation from "Single and Double" Housing to "Attached Housing" for Block "2" in the Approved Rushdale Neighbourhood Plan.

BACKGROUND

o ZA-86-86

On December 9, 1986 Council adopted a resolution to permit the development of the subject lands for townhouses and single family dwellings (see attached resolution). In addition, the restriction limiting the townhouses on the site to 42 was repealed. The applicant withdrew his application on December 23, 1986; therefore, it is necessary to rescind Council's resolution.

o Historical Farmhouse

The stone farmhouse located on the site is listed by LACAC as a building which has historic and architectural value (see Appendix "B").

LACAC recommended to the Planning and Development Committee that the farmhouse be designated. At the March 11, 1987 meeting the committee did not approve the recommendation from LACAC. At that time the owner was not in favour of designation. Further, the committee did not approve a demolition permit for the building but

instead applied the Demolition Control By-Law to the property. This By-Law requires that a permit to build must be issued before the demolition permit and that the applicant construct and substantially complete the new building within two years, unless otherwise arranged.

The prospective owner has expressed interest in designating the building under Part IV of the Ontario Heritage Act. The building will be used for an educational, social, recreational and administrative centre for the 73 unit co-operative townhouse project.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority and Traffic Department have no comments or objections.
- o The Building Department has advised that variances are required.
- o The Hamilton-Wentworth Engineering Department has advised:
(Comments to follow).

COMMENTS

1. At its meeting of December 9, 1986, Council adopted a resolution to permit the development of the subject lands for townhouses and single family dwellings. The applicant withdrew his application. Therefore, Resolution (1986) 26 R.P.D.C.7, December 9, should be rescinded.
2. The proposal complies with the Official Plan.
3. The redesignation from "Single and Double" housing to "Attached Housing" in the approved Rushdale Neighbourhood Plan.
4. The proposal merits consideration for the following reasons:
 - a) it is compatible with the surrounding development including future townhouse development to the west and single family dwellings to the north, south and east.
 - b) it will increase the supply of affordable rental housing.
 - c) it is located on a major arterial road (Stone Church Road East).
 - d) it is an innovative housing project since it incorporates the existing single family dwelling in the design layout.
 - e) it is an excellent adaptive reuse of a building of historic and architectural value.

5. The applicant has agreed to designate the building under Part IV of the Ontario Heritage Act. Since the building has architectural and historic significance to the City of Hamilton, it is worthy of preservation.
6. The existing By-Law 77-266 restricts the number of townhouses on Block "2" to 42 whereas the actual site can accommodate 45.8 units. Therefore, the elimination of this restriction can be supported.
7. In addition, the By-Law requires the following variances:
 - o Permitted Uses (Section 10D) and Accessory Structures (Section 18(4)(iii) and (iv))

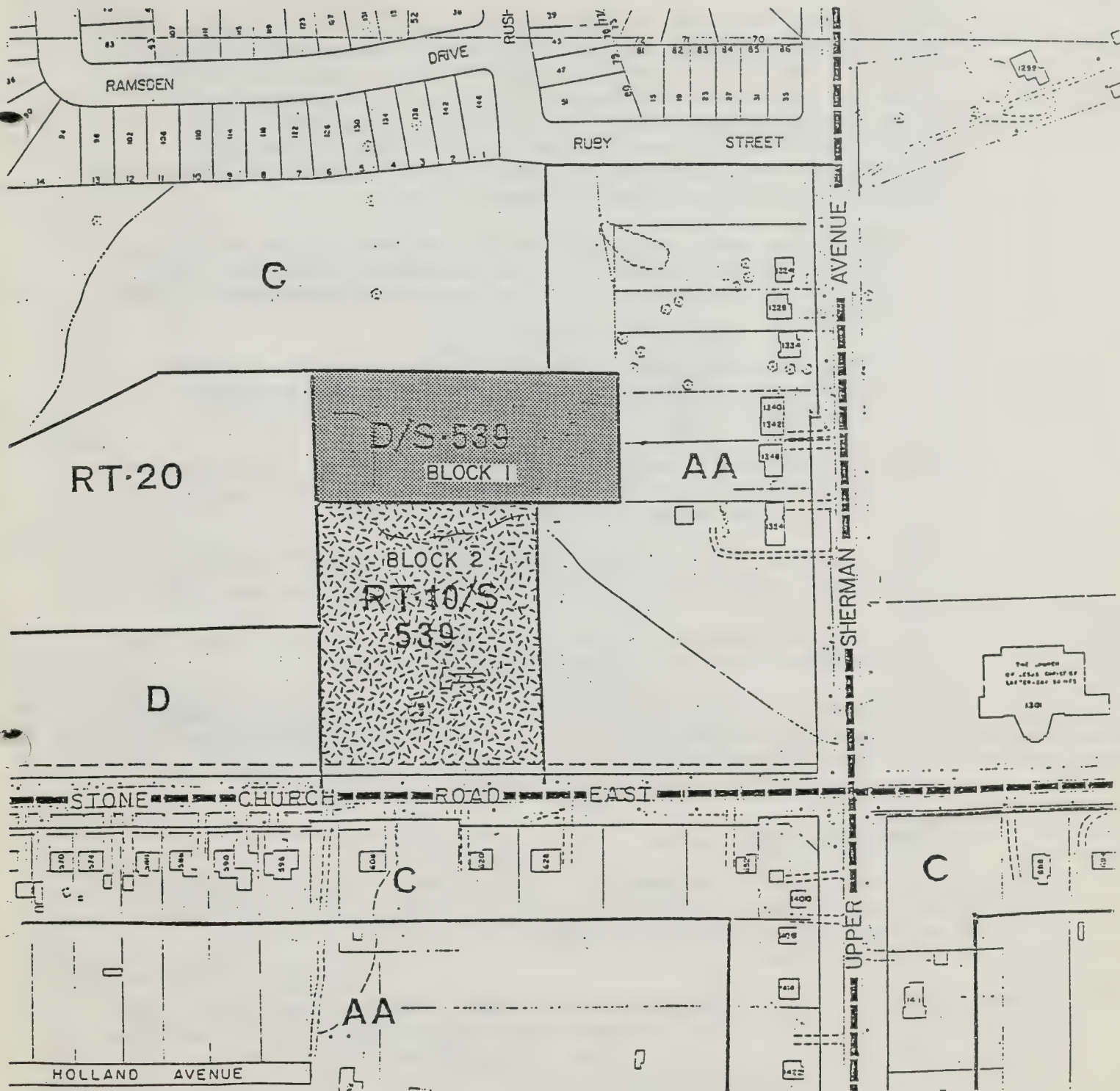
The By-Law permits accessory uses within the District. However, to ensure that the existing building is retained for use by the Co-operative, it is necessary to entrench this requirement in the amending By-Law. Since the accessory use will be located within the existing building, it will be exempt from all yard and height requirements.
8. Under the "RT-10" District regulations, the lands are subject to Site Plan Control By-Law 79-275. Matters such as parking, access, landscaping will be reviewed during the site plan approval process. In addition, the details of the road configuration for the proposed development and the developments to the west will be determined during the site plan stage.

CONCLUSION

Based on the foregoing, the proposal can be supported.

J.H.:nd

W.P. DOC. 0513P



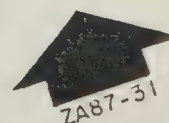
LEGEND



Change in zoning from "D" (Urban, Protected Residential - One and two family dwellings, etc.) District, modified, to "RT-10" (Townhouse) District, modified.



Further modification to the "RT-10" (Townhouse) District



7.3 That approval be given to Zoning Application 86-86, J. Kozel, owner, for a change in zoning for part of the lands municipally known as No. 613 Stone Church Road East from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District, and from "RT-10" (Townhouse) District, modified to the "C" (Urban Protected Residential, etc.) District, as shown on the attached map marked as APPENDIX "F", on the following basis:

- i) That the lands shown as Block "1" be rezoned from "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified, to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands shown as Block "2" be rezoned from "RT-10" (Townhouse) District, modified, to "C" (Urban Protected Residential, etc.) District;
- iii) That the provisions of paragraph 2 of Section 2 of By-law No. 77-266 passed by City Council on October 25, 1977 applicable to the lands shown as Block "3" be repealed.
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vi) That the Rushdale Neighbourhood Plan be amended by changing the land use designation of Block "2" from "Attached Housing" to a "Single and Double" residential designation, and by changing the proposed road pattern accordingly.

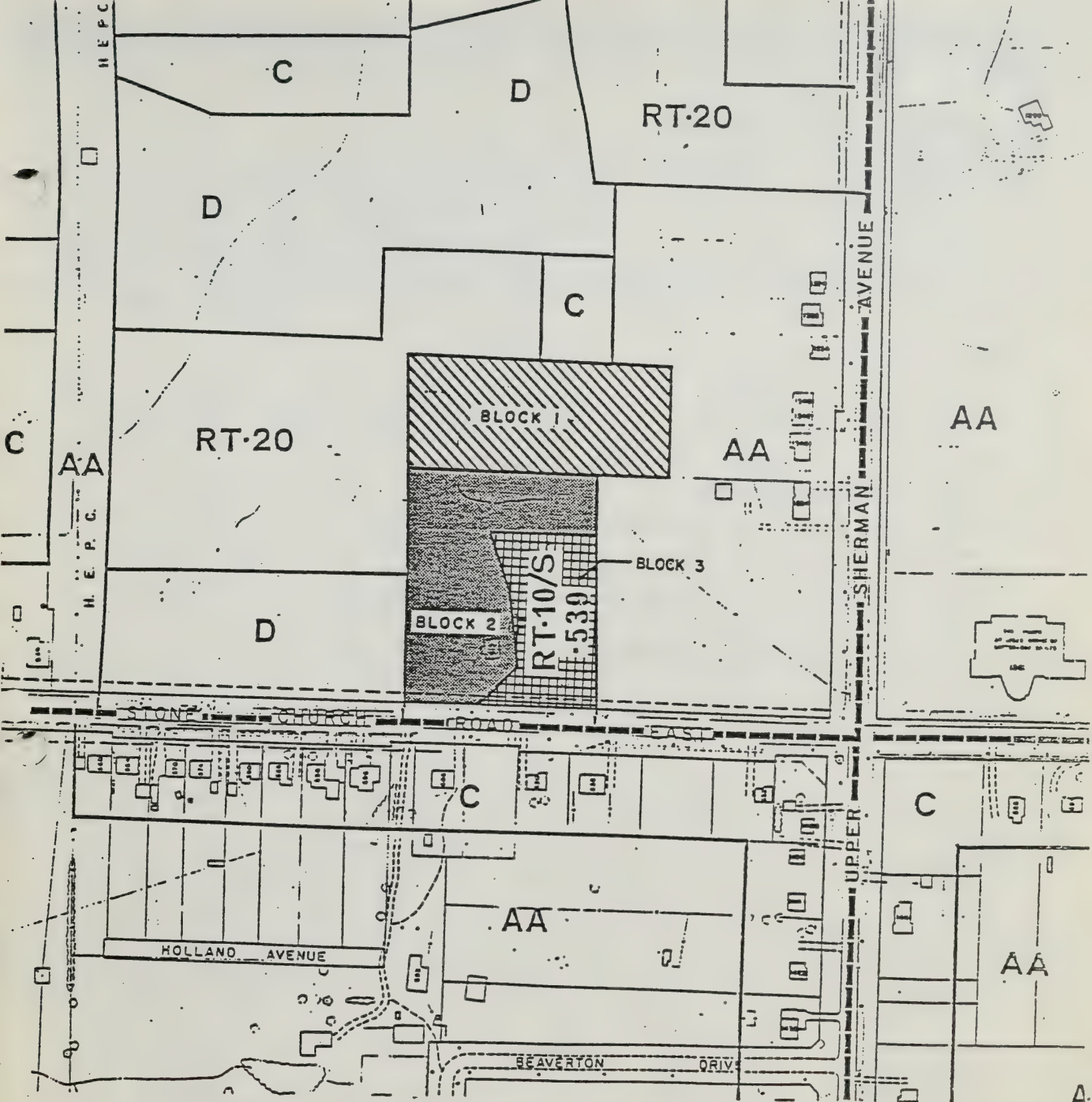
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning of part of the lands municipally known as 613 Stone Church Road East, as shown on the attached map marked as APPENDIX "F", on the following basis:

- Block "1" - Change from "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District.
- Block "2" - Change from "RT-10" (Townhouse) District, modified to "C" (Urban Protected Residential, etc.) District.

In addition, the By-law will amend the provisions of By-law No. 77-266 applicable to the adjoining remnant "RT-10" zoned parcel of land (Block "3") by deleting reference to a density of 42 dwelling units.

The effect of the By-law is to permit development of the lands marked as Blocks "1" and "2" for single-family dwellings in accordance with a draft plan of subdivision, and to delete reference to the density of development for the adjoining "RT-10" zoned parcel of land (Block "3").



LEGEND

PROPOSED CHANGE IN ZONING:



FROM "D" (URBAN PROTECTED RESIDENTIAL - ONE & TWO FAMILY DWELLINGS, ETC.) DISTRICT, MODIFIED TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT



FROM "RT-10" (TOWNHOUSE) DISTRICT, MODIFIED TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.



TO DELETE REFERENCE TO THE PERMITTED DENSITY OF 42 DWELLING UNITS AS SET OUT IN BY-LAW NO. 77-266

Appendix "F" as referred to in Item 7 of the *Twenty Sixth* Report for 1986 of the Planning and Development Committee



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

I.D. #0067D(46)

Refer to File No. E220-1807
Attention of K. A. Brenner
Your File No. ZA-87-31

May 19, 1987

TO: V. J. Abraham, Planning Department
Att: J. Hickey

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-31 by Jubilee
Consultant Services for a Change in Zoning
from "D" to "RT-10" Modified for Property
Located at 613 Stone Church Road East

Please be advised that public watermains are available to service the subject lands. The sanitary and storm sewers have not yet been intalled in this area.

The designated road allowance width of Stone Church Road East is 30.48m (100 ft). Although the lands to be zoned do not front on Stone Church Road, they are considered part of the entire development. Therefore, as a condition of approval, we require sufficient lands be dedicated to the Region to establish the property line 15.24m (50 ft) from the centre line of the original Stone Church Road road allowance.

Any work within the adjacent road allowance must conform to the Region's Roads Use By-Law.

According to the initial Rushdale Neighbourhood Plan, the proposed neighbourhood street to the north was to provide access for single/double family homes on the lands to be rezoned. However, the approval of High Ridge Estates No. 3 draft plan of subdivision has shifted the road to the north, therefore, access to the lands to be rezoned must either be from Stone Church Road or the proposed north/south internal roadway to the west as shown on the proposed Rushdale Neighbourhood plan.

Cont'd

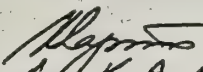
- Page 2 -
May 19, 1987

Zoning Application ZA-87-31 by Jubilee
Consultant Services for a Change in Zoning
from "D" to "RT-10" Modified for Property
Located at 613 Stone Church Road East

Cont'd

Since access to these lands may be restricted (due to the vertical crest curve on Stone Church Road), we recommend that the neighbourhood street immediately west of the subject lands be extended southerly to provide access to these lands.

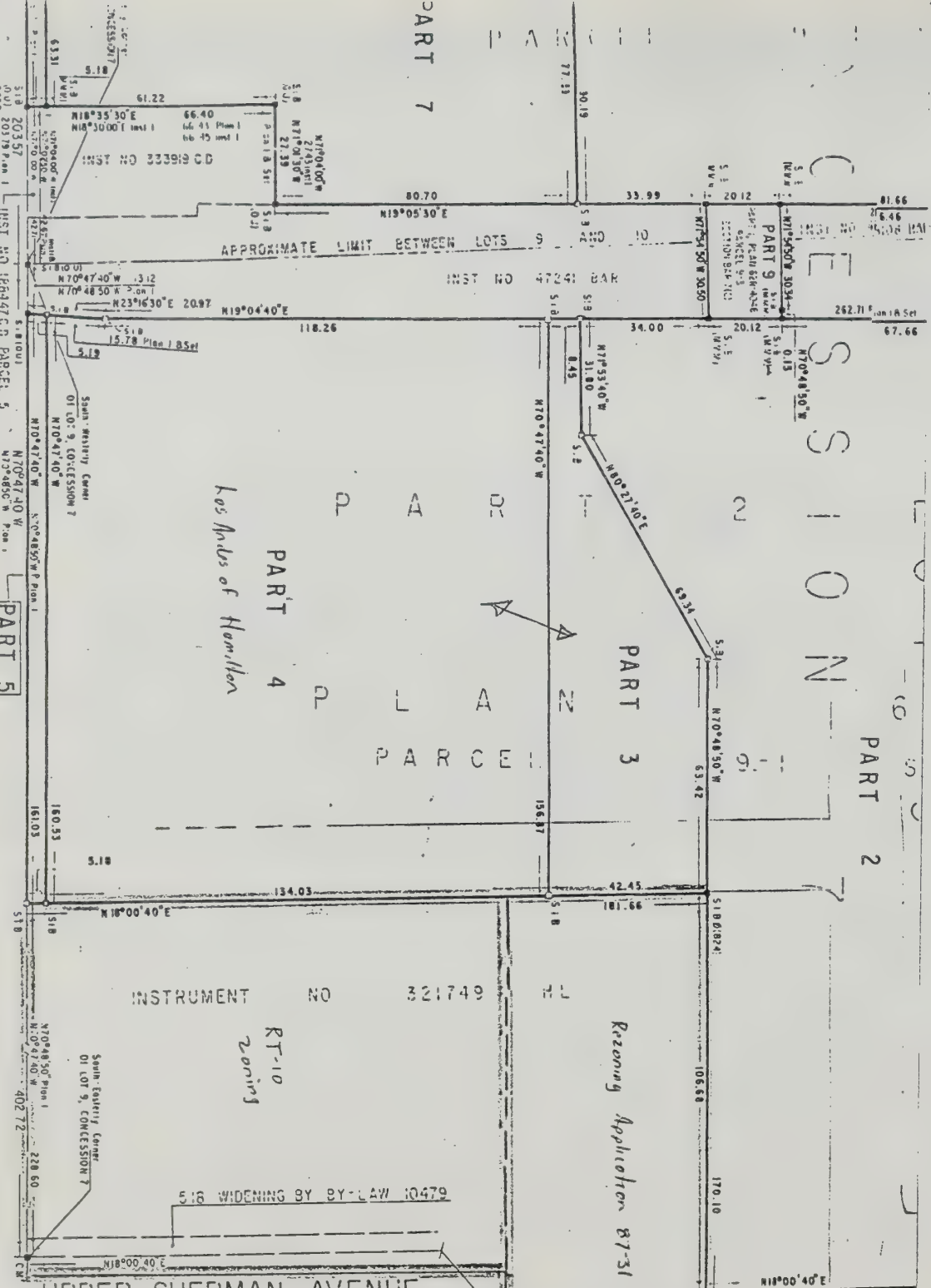
In our review of these plans, the draft plan of subdivision, Land Severance Application H-30-87 etc., there are a number of land use and neighbourhood street layout concerns which have not been resolved to date. Therefore, we recommend that prior to approving this application, these outstanding items be resolved first in order that access, neighbourhood street and cul-de-sac requirements, etc. can be resolved to our satisfaction. Once these concerns have been addressed, we can determine what financial conditions and cost recoveries will be required as a result of development approval.


for K.A. Brenner

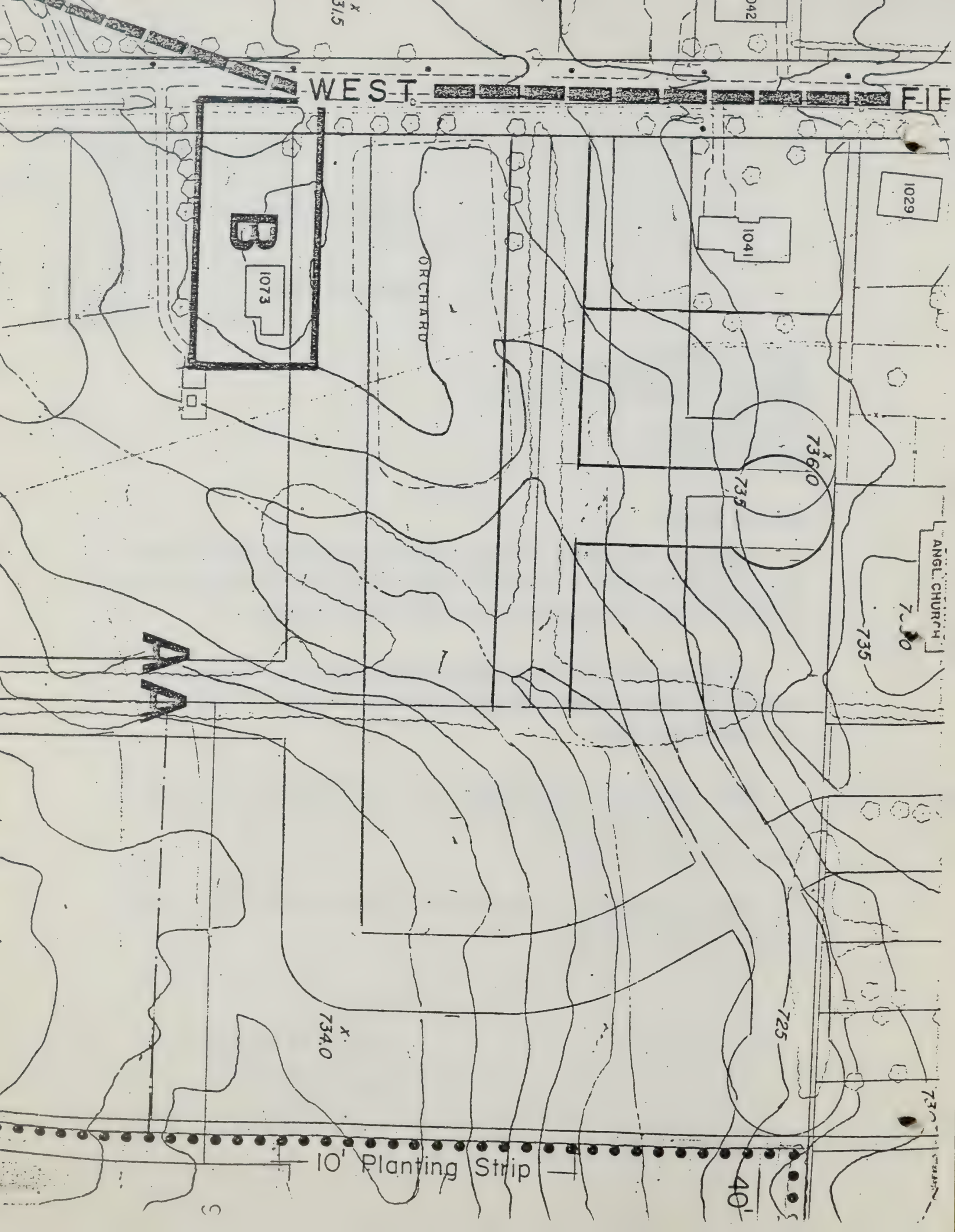
TLH:mp
Attach.

c.c. M. .A. Chidley, Regional Surveyor

CHURCH ROAD CONCESSIONS 7 AND 8



SURVEYOR'S CERTIFICATE
 I CERTIFY THAT
 This survey and plan are correct and
 The surveys Act and The Land Title
 and the regulations made thereunder
 2 The survey was completed on the



WEST

1029

1041

B

1073

ORCHARD

7360

735

ANGEL CHURCH

7350

735

AA

7340

725

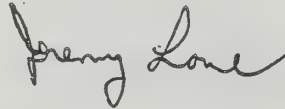
10' Planting Strip

40'

LOCAL PLANNING BRANCH					
File No.		Received APR 2 1 1987			
	TO	STAFF	INIT.	INFO.	ACT.
X	DIA.	VA	<i>[initials]</i>		
	PR & A				
/	HIGH	<i>[signature]</i>			
	CART.				
	ADMIN.				

I feel that if more indepth thought and consideration were put into the location of this new proposed street, I would not be inconvenienced nor would the esthetics of the property and the intent to preserve a heritage home be disrupted.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. Lane".

J. Lane

c.c. Edwin W. Adler
Adler & Levy

Nena Chapel
L.A.C.A.C.

City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Mr. V.J. Abraham
Director of Local Planning
Planning & Development Department

TO	BY	DATE	INITIALS	REMARKS
DIR.				
REG. A.				
X NEIGH	D6			
DIR.				
REG. A.				
X STAFF	66			
CART.				
COMM.				

Dear Sir:

Mewburn Neighbourhood

To begin, I object to the closure of West 5th Street to slow or stall traffic. I suggest that a stop light be installed on West 5th between Rymal Road and Stone Church Road as well as at the two main intersections. Also, I suggest that West 5th Street be made a "No Heavy Truck" route. I feel that if West 5th is cut off, we will no longer enjoy the benefits of a Snow Route or home Postal Delivery. The name of the street will most definitely be changed. This will cause a lot of inconvenience and unnecessary expense. Also, many years ago, the City of Hamilton promised the residents of this area that buses would eventually run south on West 5th Street, south of Stone Church Road, with the road closure, this will most certainly never take place. You would also lose the convenience of West 5th as an alternative emergency route to Upper James, and it has been used for this purpose many times in the past.

I object to the fact that there is, or will be, an 80 foot set back on the west side of Upper James Street for business and on Area #1 and 2 on the enclosed map, this rule will not necessarily apply.

In Area #3 on the enclosed map, this piece of land is being used for either roads or housing, which is contrary to the City of Hamilton's acceptance of this land. This land was left to the City for the purpose of park land and not for housing development.

Thank you for considering my arguments against this new proposal.

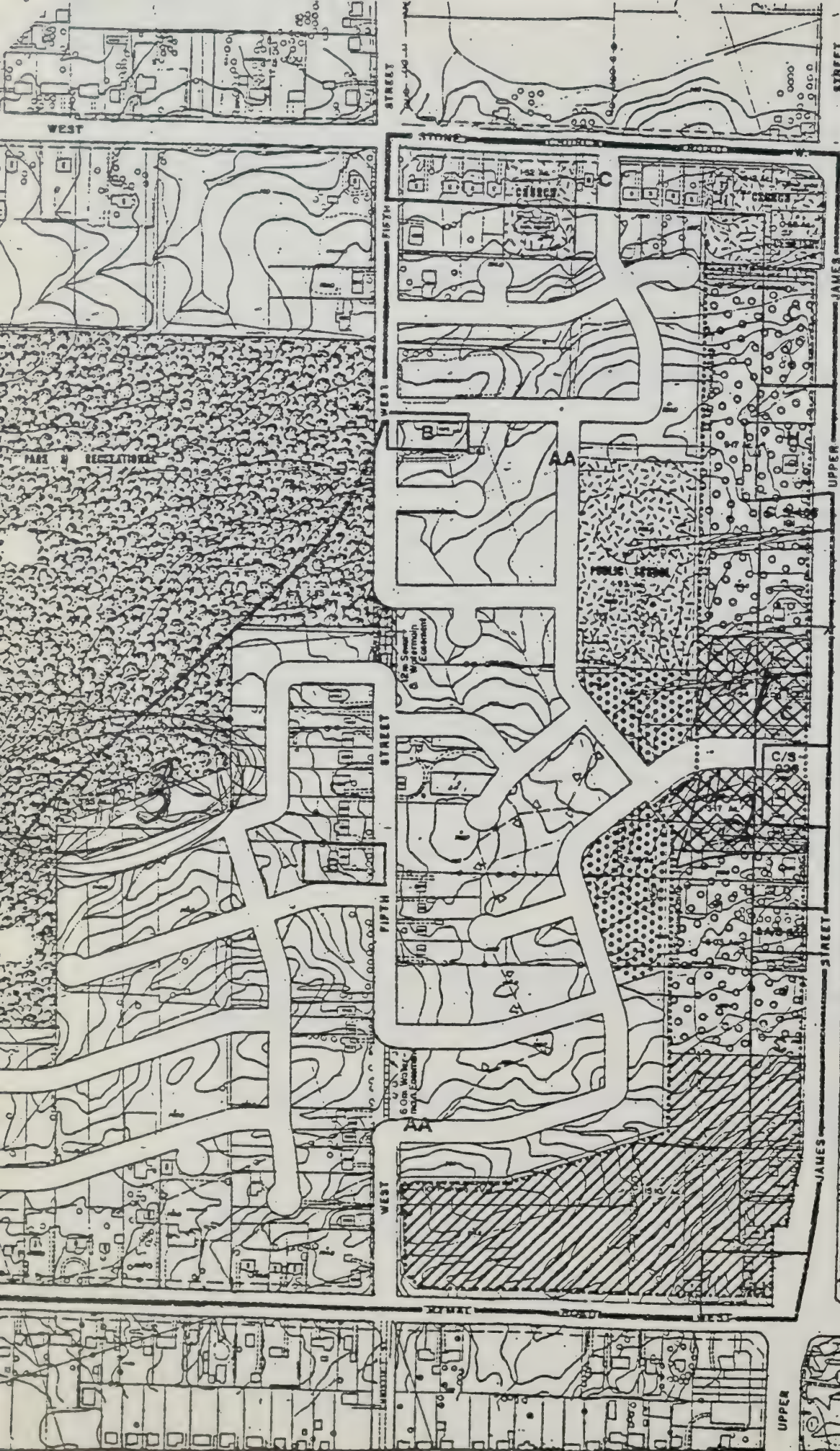
Yours truly,

Connie Johnson & Abbie Vallée

Resident
1172 West 5th Street, Hamilton

Enc.

Mewburn



EXISTING POPULATION (1985) 187

LEGEND:

- CITY OF HAMILTON EXISTING PARK LAND SITE
- BOARD OF EDUCATION FOR THE CITY OF HAMILTON EXISTING SCHOOL SITE
- AREA OF DRAINAGE AREA
- AREA SUBJECT TO URBAN DESIGN GUIDELINES

NOTE: THIS IS A DRAFT PLAN ONLY AND SUBJECT TO CHANGE. FOR DETAILS, CONSULT THE LOCAL PLANNING DEPARTMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-ONTARIO.

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apt
- medium density apt

- COMMERCIAL
- COMMERCIAL & RETAIL WAREHOUSE
- NEIGH'D COMMERCIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATION
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approval	
Planning Comm.	Council
Revision	

CITY OF HAMILTON
PLANNING DEPARTMENT

MEWBURN
PROPOSED PLAN



City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Mr. V.J. Abraham
Director of Local Planning
Planning & Development Department

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
ASST. DIR.				
PLANNING				
DEVELOPMENT				
ADMIN.				
CITY CLERK				
LEGAL				
FIN.				
COMM.				
RECORDS				
TRAINING				
EXTERNAL AFF.				
CHIEF OF STAFF				
DEPUTY CHIEF OF STAFF				
ADVISORY BOARD				
COMMITTEES				
AD-HOC				
OTHER				

Dear Sir:

Newburn Neighbourhood

To begin, I object to the closure of West 5th Street to slow or stall traffic. I suggest that *Stopage be installed on West 5th by Rymal Road on the South end of West 5th, not two as planned.* Also, I suggest that West 5th Street be made a "No Heavy Truck" route. I feel that if West 5th is cut off, we will no longer enjoy the benefits of a Snow Route or home Postal Delivery. The name of the street will most definitely be changed. This will cause a lot of inconvenience and unnecessary expense. Also, many years ago, the City of Hamilton promised the residents of this area that buses would eventually run south on West 5th Street, south of Stone Church Road, with the road closure, this will most certainly never take place. You would also lose the convenience of West 5th as an alternative emergency route to Upper James, and it has been used for this purpose many times in the past.

I object to the fact that there is, or will be, an 80 foot set back on the west side of Upper James Street for business and on Area #1 and 2 on the enclosed map, this rule will not necessarily apply.

In Area #3 on the enclosed map, this piece of land is being used for either roads or housing, which is contrary to the City of Hamilton's acceptance of this land. This land was left to the City for the purpose of park land and not for housing development.

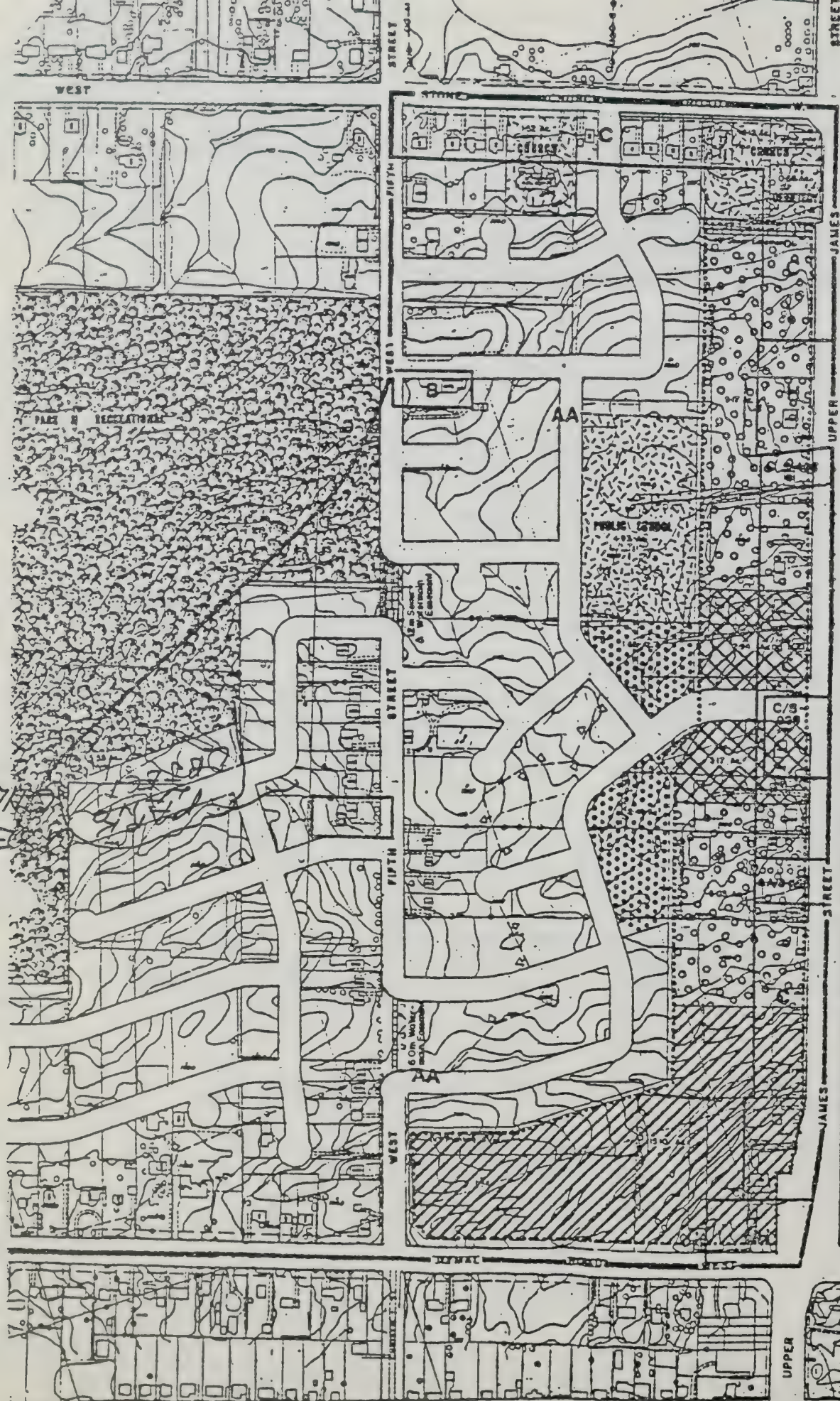
Thank you for considering my arguments against this new proposal.

Yours truly,

L. M. Vallee
L. E. Vallee
Resident
West 5th Street, Hamilton

Enc.

1166 West 5th St.
Hamilton Ontario
498-156 *383-5985-*



EXISTING POPULATION (1965) 164

LEGEND:

- CITY OF HAMILTON EXISTING PARK LAND SITE
- BOUNDARY OF REGULATOR FOR THE CITY OF HAMILTON
- EXISTING SCHOOL SITE
- LIMIT OF GRASSLAND AREA
- AREA SUBJECT TO URBAN FORM SUBSIDIES

NOTE: THIS IS A DRAFT PLAN ONLY AND SUBJECT TO CHANGE. FOR DETAILS, CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WESTDORP.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apt
- medium density apt

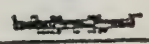
- COMMERCIAL
- COMMERCIAL & RETAIL WAREHOUSE
- NEIGHBORHOOD COMMERCIAL
- CIVIC & INSTITUTION
- PARK & RECREATION
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals	
Planning Comm.	Council
Revisions	

CITY OF HAMILTON
PLANNING DEPARTMENT

**MEWBURN
PROPOSED PLAN**



TO	STAFF	INT.	INFO.	ACT.
DIR.				
PRG. A.				
X NEIGH.	OG			
X	OG			
CANT.				
ADMIN.				

City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Mr. V.J. Abraham
Director of Local Planning
Planning & Development Department

Dear Sir:

Newburn Neighbourhood

To begin, I object to the closure of West 5th Street to slow or stall traffic. I suggest that a stop light be installed on West 5th Rymal Road and Stone Church Road at the two main intersections. Also, I suggest that West 5th Street be made a "No Heavy Truck" route. I feel that if West 5th is cut off, we will no longer enjoy the benefits of a Snow Route or home Postal Delivery. The name of the street will most definitely be changed. This will cause a lot of inconvenience and unnecessary expense. Also, many years ago, the City of Hamilton promised the residents of this area that buses would eventually run south on West 5th Street, south of Stone Church Road, with the road closure, this will most certainly never take place. You would also lose the convenience of West 5th as an alternative emergency route to Upper James, and it has been used for this purpose many times in the past.

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In Area #3 on the enclosed map, this piece of land is being used for either roads or housing, which is contrary to the City of Hamilton's acceptance of this land. This land was left to the City for the purpose of park land and not for housing development.

Thank you for considering my arguments against this new proposal.

Yours truly,

Mrs. Lucille Henderson

Resident

1150 West 5th Street, Hamilton

Enc.

L9B-156

City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Mr. V.J. Abraham
Director of Local Planning
Planning & Development Department

TO	STAFF	INFO	AUT.
DIR.			
MR. A.			
X NEIGH	DC		
TECH			
PLANN			
X	GG		
CART.			
ADMIN.			

Dear Sir:

Mewburn Neighbourhood

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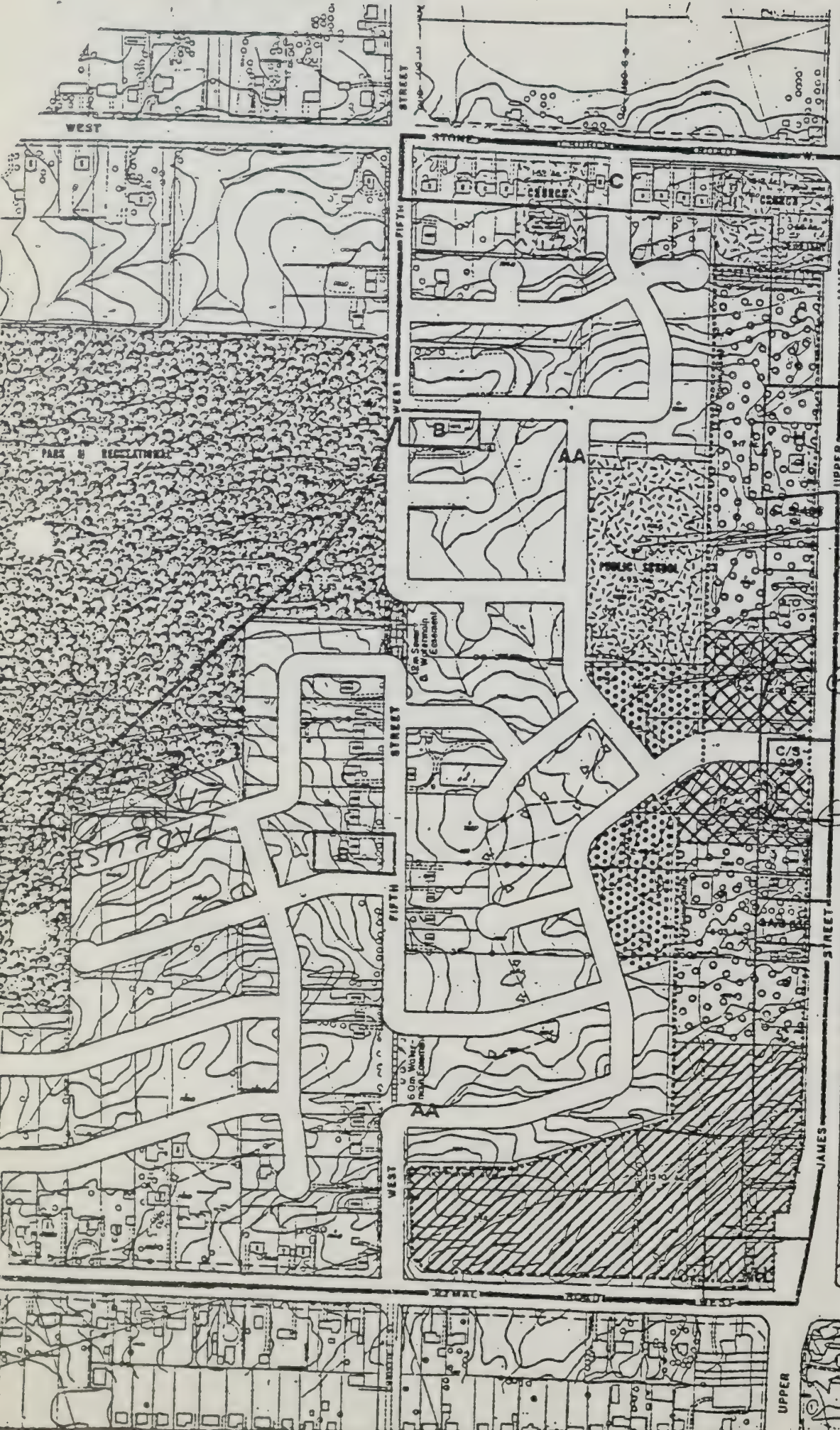
Yours truly,

Mr. Donald J. Valler
Mrs. Dorothy J. Valler

Resident
1162 West 5th Street, Hamilton

Enc.

L 9 B 156



EXISTING POPULATION (1985) 150

LEGEND:

- CITY OF HAMILTON EXISTING PARK LAND SITE
- BOARD OF EDUCATION FOR THE CITY OF HAMILTON EXISTING SCHOOL SITE
- △ LIMIT OF DRAINAGE AREA
- AREA SUBJECT TO URBAN DESIGN GUIDELINES

NOTE: THIS IS A PLANNING ONLY AND SUBJECT TO CHANGE. FOR DETAILS, CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apt
- medium density a

- COMMERCIAL
- COMMERCIAL & RETAIL WAREHOUSE
- NEIGH'D COMMERCIAL
- CIVIC & INSTITUTION
- PARK & RECREATION
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals	
Planning Comm.	Council
Revisions	

CITY OF HAMILTON
PLANNING DEPARTMENT

MEWBURN
PROPOSED PLAN



HAMILTON THE 20.3.87

FRITZ ROTHER
1212 WEST 5TH
HAMILTON, ONT.
L9B 1J6

Dir Sir!

RE: FILE NO P5-2-101

I object to the plan of closing
WEST 5TH STREET.

Fritz Rother

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
FILE NO.		RECEIVED MAR 24 1987		
TO	STAFF	INT.	INFO	ACT.
X DIR.	VA			
MR. A.A.				
MR. G.	Det M			49
MR. L.				
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MR. S.				
MR. T.				
MR. U.				
MR. V.				
MR. W.				
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MR. Y.				
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Edward Follows,
Harriet Follows,
1232 West 5TH St.,
Hamilton Ont.,
L9B-1J6,
March 30, 1987.

Mr. V.J. Abraham,
Director of Local Planning,
City Hall,
Hamilton, Ont.

Dear Sir:-

In the Mewburn Neighbourhood Plan,
West 5TH St will cease to be a through
street. If this plan is adopted, I will not
have access to my home at 1232.

I therefore object to this Plan, and would
like to see West 5TH St. remain a through
street,

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
TO		RECEIVED RPA 2 1987		
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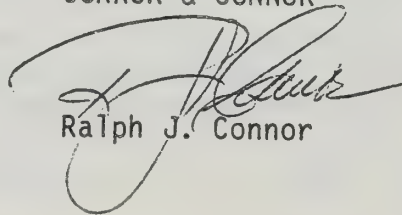
Yours Truly
Edward Follows
Harriet Follows

are sure that most drivers would wind their way along these streets rather than try to make a left or right turn at Stonechurch Road, thus driving some distance out of their way and this would destroy your reason for blocking West 5th Street. At the meeting regarding the neighbourhood, your traffic planner stated that putting a stoplight at West 5th Street and Rymal Road would not be good planning as it was too close to Upper James Street. We also cannot understand this reasoning, as in the downtown there are stoplights at each block and as long as they are synchronized, we do not think there would be any problem in moving traffic.

The Allisons have lived on this property for over 38 years, and they have developed it and improved it over that time. Situated on the property are over 100 black walnut trees and the Allisons feel that it would be a step backwards to run an 86' expanse of concrete through such land.

Yours very truly,

CONNOR & CONNOR



Ralph J. Connor

RJC/cap
Encl.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		APR 21 1987		
TO	STAFF	INT.	INFO.	ACT.
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	PR & A.			
	NEIGH.	DG		
	DEV.			
	E. & U.C.			
	S T A F F			
Dear Sir.				
	ADMIN.			

186 RYMAL RD W
G4 good HAMILTON

BWT.

L 9 B 1 B 8

18-4-87

With regards to the public meeting of 18-3-87 concerning the Newburn Neighbourhood Plan, we would both like to say that we were very pleased to observe the process of local planning in action. We thought that the meeting was well organized and that everyone had an opportunity to state their concerns and have any queries they raised answered by someone with expertise in each specific area. Congratulations to the people who organized the meeting.

We both think that the plan is excellent and would greatly enhance the neighbourhood. We also eagerly anticipate the proposed public parkland area which will result in an improvement in the appearance and use of the land.

We do have certain concerns about the proposed widening of Rymal Rd. and the access road to the park. The

access road would mean that we would lose 10 ft along the east edge of our property.

We feel we could accept this when you consider the whole positive impact of the plan. We strongly question the need for a "feeder lane" from the proposed road to provide access to Rymal Rd. We do not think that this will be necessary because of (a) there will be a traffic light at the intersection (b) the park does not appear large enough to anticipate such a heavy volume of traffic (c) we will lose a considerable amount off the front and corner of our property.

Again please pass on our congratulations to all who organized and ran the meeting.

We were very impressed by the meeting but will be more impressed by seeing what changes are made to the plan due to the input of the citizens of the area.

Yours Sincerely

W B Ryan

Hendrick Ryan

MEMORANDUM • CITY OF HAMILTON

PLANNING & DEVELOPMENT PLANNING BRANCH			
File No.		APR 8 1987	
TO	STAFF	INFO	ACT
YOUR FILE	P5-27191		
OUR FILE	40-50 (B1)		44
DATE	1987 April 7		

TO : Mr. V. J. Abraham,
Director of Local Planning
Attn: Mr. D. Godley, Manager
Neighbourhood Area Plans

FROM : P. M. Eker

SUBJECT : McConnell Park
Mewburn Neighbourhood

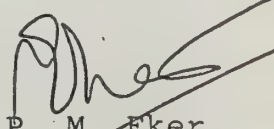
This is in response to your memo of March 24, 1987 in which you ask us to let you "know as soon as possible if there are any use restrictions on McConnell Park."

We have reviewed the following documents pertaining to the subject land:

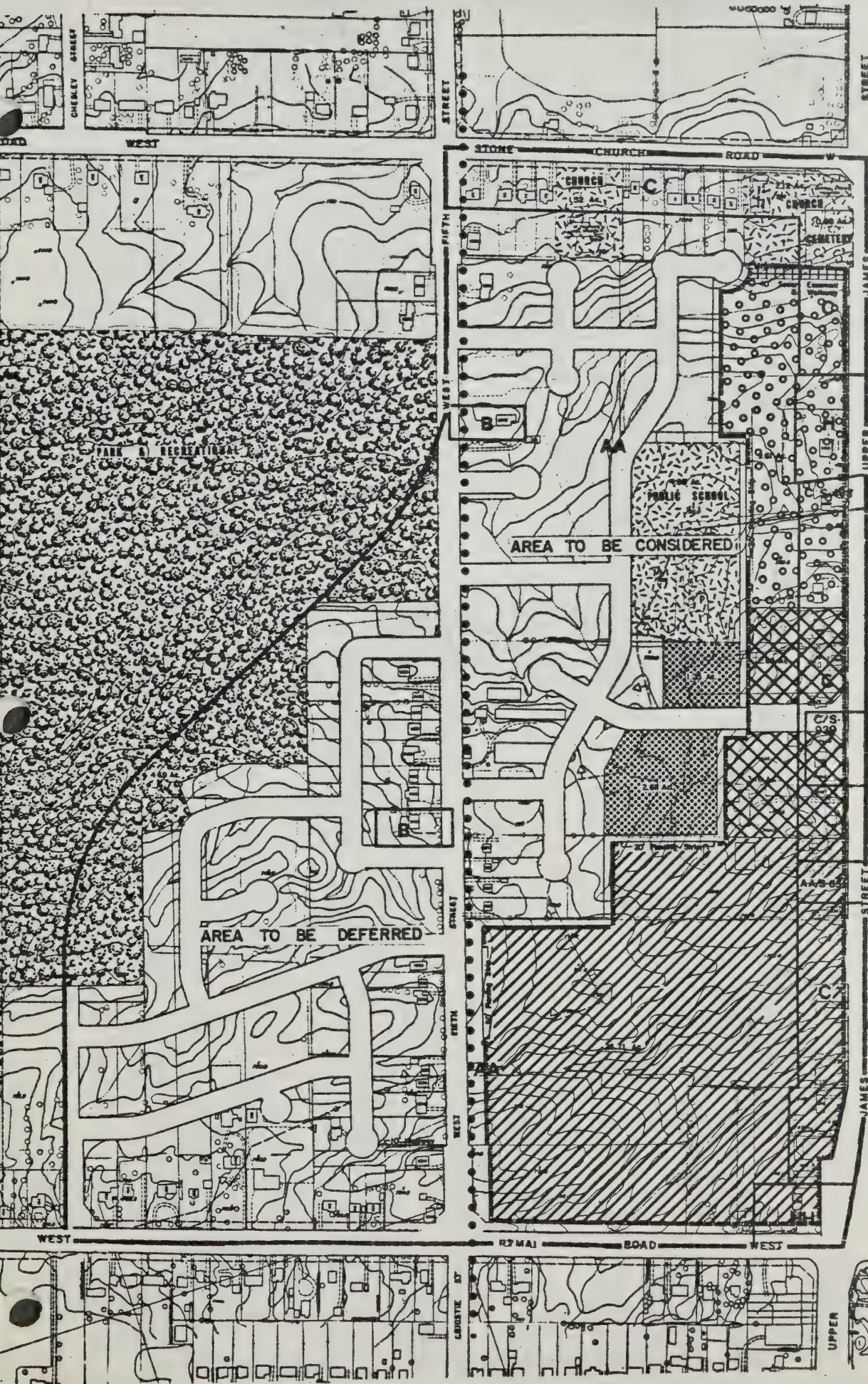
1. Deed of Land from William Samuel Thomas Connell and his wife Alma Florence Connell, to The Corporation of the City of Hamilton, dated the 7th day of April, 1966 and registered as Instrument No. 12465 A.B. on May 11, 1966.
2. Quit Claim Deed from Elisa Bertus Van Holst and Rudolfina Van Holst, his wife, to The Corporation of the City of Hamilton, dated the 6th day of March, 1978 and registered as Instrument No. 83650 C.D. on March 22, 1978.

In response to your question, neither of the above documents reveals any use restriction on the subject land. The documents do not provide for the use of the park as a passive park or any prohibition against the sale or exchange for other land. We know of no agreement on title to this effect as part of the transaction resulting in the Deed of Land referred to above.

If you have any further information we will be glad to investigate it further. In the interim, we are closing our file.


P. M. Eker,
for K. A. Rouff,
City Solicitor.

PME:js



AREA TO BE
CONSIDERED AT
PUBLIC MEETING
IS EAST OF
WEST FIFTH
STREET ONLY

EXISTING POPULATION 1980 1985

ALTERNATIVE

LEGEND
 CITY OF HAMILTON EXISTING FINE LAND USE
 CITY OF HAMILTON
 LAST OF DRAINAGE AREA
 AREA SUBJECT TO OTHER EXISTING CHARGES

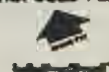
LAND USE

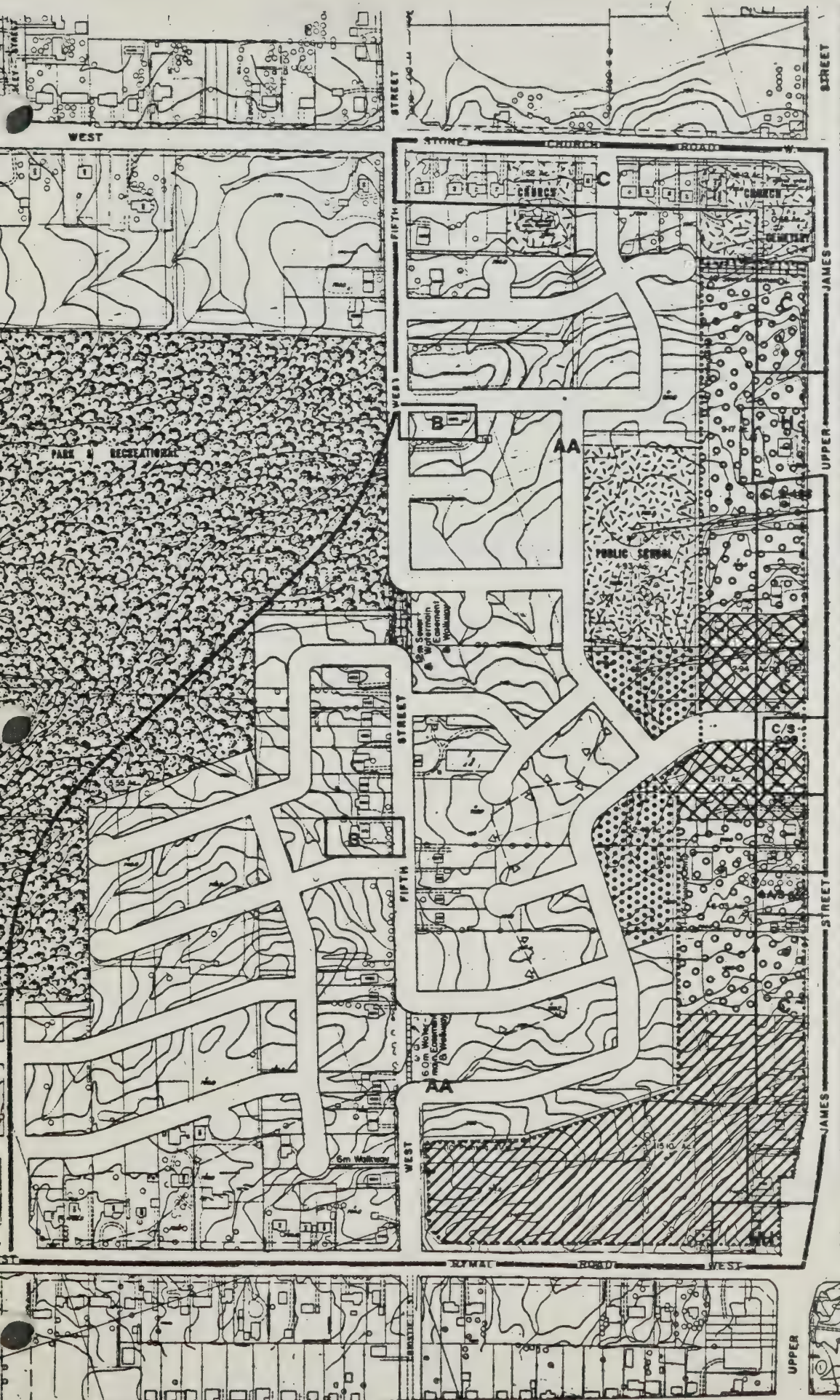
- RESIDENTIAL**
 - single & double
 - attached housing
 - low density apt.
 - medium density apt.
- COMMERCIAL**
- COMMERCIAL & RETAIL WAREHOUSE**
- NEIGH'D COMMERCIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**

Neighbourhood Boundary
 Zoning Boundary

Approved
 Planning Comm. Council
 Revision

CITY OF HAMILTON
 PLANNING DEPARTMENT
**MEWBURN
 PROPOSED PLAN**





EXISTING POPULATION (1985) 186

ORIGINAL PROPOSAL

LEGEND:

- CITY OF HAMILTON EXISTING PARK LAND SITE
- BOARD OF EDUCATION FOR THE CITY OF HAMILTON EXISTING SCHOOL SITE
- LIMIT OF DRAINAGE AREA
- AREA SUBJECT TO URBAN DESIGN GUIDELINES

NOTE: THIS IS A GUIDE PLAN ONLY AND SUBJECT TO CHANGE. FOR DETAIL, CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH.

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.

- COMMERCIAL
- COMMERCIAL & RETAIL WAREHOUSE
- NEIGH'D COMMERCIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals
Planning Comm. Council
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

MEWBURN
PROPOSED PLAN



MEWBURN NEIGHBOURHOOD PLAN
POLICIES

June 1987
W.P. DOC. 3051P

TABLE OF CONTENTS

		Page
I	INTRODUCTION	1
II	BACKGROUND	2
III	EXISTING POLICY	3
	A. Official Plan Amendments.....	3
	B. Multi-Centre Uses.....	4
	C. Energy Efficient Design.....	4
IV	NEIGHBOURHOOD PLANNING PROCESS	5
V	DESCRIPTION OF THE STUDY AREA	6
VI	NEIGHBOURHOOD PLAN	7
	A. Goals	8
	B. Objectives, Policies, Actions	9
	1. Residential	9
	2. Commercial	14
	3. Institutional	18
	4. Industrial	20
	5. Parks and Open Space	21
	6. Community Services	23
	7. Transportation	24
	8. Vegetation	26
	9. Urban Design and Neighbourhood Character	27
	10. Infrastructure	29
VII	ADMINISTRATIVE PROVISIONS	30
VIII	APPENDICES	
	A. Proposed Mewburn Neighbourhood Plan	
	B. Location Map of Mewburn	
	C. Urban Design Guidelines for Upper James Street Corridor	
	D. Official Plan Amendment No. 28 Upper James Street Corridor	

I INTRODUCTION

The Mewburn Neighbourhood Plan consists of a detailed land use plan and policy framework to guide development of the neighbourhood.

The Plan includes:

- 1) A map which defines the land use pattern and road pattern.
- this is contained in Appendix A - Proposed Plan.
- 2) A set of written policies which describe in detail the nature of development and the actions required to implement the plan.
- this is contained in Section VI - Neighbourhood Plan.

This report contains the neighbourhood plan and associated background information. It describes the reasons for the preparation of the plan, and outlines the existing planning policies which affect the neighbourhood. It describes the location and nature of Mewburn and puts the plan into the context of the overall neighbourhood planning process. The plan includes goals, objectives, policies and actions related to the development of the neighbourhood.

II BACKGROUND

The Mewburn Neighbourhood Plan is being prepared at this time due to the recent extension of municipal services to this area. A trunk sewer was constructed through the neighbourhood in 1985, to link the area along Upper James Street into the existing trunk sewer east of Upper Wellington Street. This sewer was required to service the Hamilton Street Railway's Mountain Transit Centre, located on Highway 6 in Glanbrook.

Changes were initiated to the Hamilton Official Plan to recognize the availability of services and the resulting potential for immediate development of these lands. The amendments to the Official Plan deal with the timing of development and the land use designations.

A Neighbourhood Plan for Mewburn was required to provide a detailed land use plan and help ensure the orderly development of the neighbourhood.

III EXISTING POLICY

The existing planning policy for the Mewburn Neighbourhood is based primarily on the Hamilton Official Plan. There are also two amendments to the Official Plan, O.P.A. No. 22 and O.P.A. No. 28, which describe the timing and nature of development in the South Mountain area along Upper James Street. Existing policy is also contained in studies on energy efficient neighbourhood planning.

The Official Plan for the City of Hamilton defines the general land use pattern for the neighbourhood. It also provides guidance on the maximum neighbourhood population densities, park areas and other planning criteria, as well as the staging of development.

A. Official Plan Amendments

Official Plan Amendment No. 22 removed the staging policies in the Hamilton Official Plan. Development of the South Mountain area of Hamilton was made possible earlier than originally anticipated, due to the extension of the trunk sewer to the Mountain Transit Centre. O.P.A. No. 22 was passed by Council on September 25, 1984, and approved by The Ontario Municipal Board on September 12, 1985. A special study, the "Upper James - South Mountain Area Study" was initiated to determine the best uses for lands in the neighbourhoods forming the Upper James Street corridor, including the Mewburn Neighbourhood.

Official Plan Amendment No. 28 was subsequently prepared to reevaluate the land use designations along the Upper James Street corridor. This amendment was passed by Council on October 29, 1985, and approved by the Minister of Municipal Affairs in mid-August, 1986. Land use designations in the Mewburn section of the corridor were changed from residential to commercial. Several special policy areas were also established to define the nature of these commercial areas.

The special policy areas established by O.P.A. No. 28 are defined in Appendix "D", which includes a copy of the amendment and the related map. Policy A.2.9.3.26 expands upon the Commercial policies of the Official Plan as they apply to this portion of Upper James St. by introducing three Special Policy Areas (31, 31b and 31c) in the Mewburn Neighbourhood, as follows:

- Area 31 includes the northeast and southeast corners of Mewburn. This area is designated for commercial uses.
- Area 31b includes the majority of the frontage along Upper James Street, excluding the northern, southern and mid-block portions. Permitted uses here include retail/warehouse uses in addition to commercial uses, subject to Official Plan policies A.2.2.16 and A.2.2.18.
- Area 31c includes the mid-block node. This area will provide neighbourhood-based retail and service uses, and may permit retail/warehouse uses.

O.P.A. No. 28 also states that the Mewburn Neighbourhood Plan must consider a number of design features. These are noted in Policy A.2.9.3.26(iii) in Appendix "D", and include items such as:

- the location of a mid-block collector road
- the extent of various types of commercial land use
- lot depths, frontages and building setbacks
- the location of access points, shared access and service roads.

Several other policies are also contained in O.P.A. No. 28, dealing with preparation of neighbourhood plan and related policies. Design guidelines are to be prepared in conjunction with the neighbourhood plan, to minimize conflicts between commercial and residential areas, enhance the visual appearance of the streetscape, and provide pedestrian linkages. A co-ordinated approach to the redevelopment of the area will be encouraged, by means of co-operation between adjacent property owners in matters of design.

There are also two Special Policy Areas within the Mewburn Neighbourhood, as contained on Schedule B-2 in the Hamilton Official Plan. Special Policy Area 22, which permits the development of a Neighbourhood Shopping Centre, is located along Rymal Road between West Fifth Street and Upper James Street. Special Policy Area 23 is located at the intersection of Stone Church Road and Upper James Street, and permits the development of a Convenience Shopping Centre. Since it is the intention of the Mewburn Neighbourhood Plan to retain the historic church and to permit multi-centre uses (as set out in O.P.A. No. 28) at Stone Church Road and Upper James Street, development of a Convenience Shopping Centre should not be encouraged at this location.

B. Multi-Centre Uses

The concept of the multi-centre is to provide a range of activities and services for the residents of the community to meet their weekly needs, and to provide medium density housing to maximize the utilization and cost-effectiveness of public transportation and the road network.

Multi-Centre uses such as institutional, recreational, and medium density residential, in addition to commercial, will be permitted in the vicinity of Upper James Street and Stone Church Road. These uses were introduced by means of O.P.A. No. 28, which also introduces the commercial designations along Upper James Street, and deleted the Sheldon Multi-Centre originally proposed for the intersection of West Fifth Street and Stone Church Road.

C. Energy Efficient Design

Maximizing the use of passive solar energy for heating is an important consideration in the design of Hamilton neighbourhoods. Research undertaken by the Planning Department has identified design criteria and methodologies which take into account environmental factors such as climate and topography. This approach can be used to help develop a recommended street alignment and land use pattern for the neighbourhood. These guidelines are described in the Background Report for the Mewburn Neighbourhood, and have been used in the preparation of the Plan.

IV NEIGHBOURHOOD PLANNING PROCESS

The Planning process involves several stages, including data collection, plan preparation, public involvement, revision and final adoption. The City of Hamilton Official Plan provides a land use concept and general policies which serve as a basis for the detailed policies contained in the neighbourhood plans. The following steps are involved in the process:

The Background Information Report is prepared as the first step. Information on all aspects related to planning of the neighbourhood is collected and summarized in report form. This includes population data, existing land use, municipal services and planning policies. The opportunities and constraints to development identified in this report form the basis for the preparation of the Plan. The Background Information Report for the Mewburn Neighbourhood was completed in August, 1986.

The Neighbourhood Policies and Plan consists of the land use map and written policies contained in this report. The policies are based on neighbourhood planning principles and attempt to provide desirable features such as safety, convenience and energy efficiency. For each land use type, objectives and policies are defined and specific actions are identified to assist in implementation.

A public meeting is held to discuss the details of the proposed plan with area residents and landowners. Citizens are invited to provide the Planning Department with any comments they have regarding the proposed plan.

Revision and adoption of the Neighbourhood Plan follows, based on the public review of the draft plan. Comments and submissions from the public and from staff departments are incorporated into the Plan, where possible. The final plan is presented to the Planning and Development Committee for review and approval, and then to City Council for adoption. Official Plan amendments and zoning changes may be considered at the same time that the plan is adopted, or at a later date.

V DESCRIPTION OF THE STUDY AREA

The Mewburn Neighbourhood is located in the south Mountain area of Hamilton. It is bounded by Stone Church Road to the north, Upper James Street to the east, Rymal Road to the south and a diagonal boundary including part of West Fifth Street to the west.

The neighbourhood is roughly rectangular in shape, with a curved western boundary, approximately 56 hectares (143 acres) in area. At one time there was a proposal to swing West Fifth Street further west, south of Stone Church Road. This would have provided a more uniform spacing of arterial roads in this developing area. The western boundary of the Mewburn Neighbourhood was based on this proposed roadway. This new roadway section will not be built, due to the location of recent developments in the area. The curved neighbourhood boundary will remain the same.

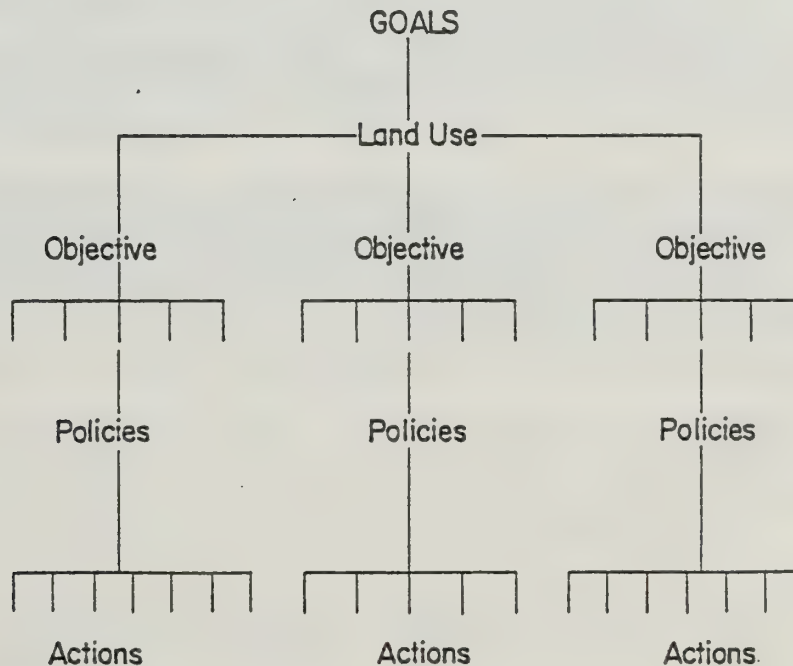
There are a variety of urban and suburban land uses in the Mewburn neighbourhood. The neighbourhood is mainly undeveloped with agricultural and vacant lands located in the interior. Single family homes are located along West Fifth Street, Stone Church Road and Rymal Road. Several commercial establishments are located along Upper James Street, including a garden centre, a bank, automotive service stations and fast food outlets. Institutional uses such as churches and associated buildings are located along Stone Church Road, close to Upper James Street.

VI NEIGHBOURHOOD PLAN

The Mewburn Neighbourhood Plan is a guide for the future development within the area. The Plan is an extension and elaboration of policies which exist in the City of Hamilton Official Plan.

The Plan includes:

- 1) A diagrammatic representation of the street pattern and land use locations; and
- 2) A set of written policies ranging from the broad to the more specific. (Refer to figure below.)



The goals represent the broad overall aims for the Neighbourhood. The objectives are more specific focussing on the aims for each land use. The policies are the governing principles through which the objectives may be achieved. Finally, the actions refer to particular initiatives which the City and/or other agencies must undertake to implement the established objectives and policies.

A) Goals

There are three major goals which the Mewburn Neighbourhood Plan attempts to achieve, namely:

- 1) neighbourhood self-sufficiency;
- 2) efficient and attractive design; and,
- 3) a viable commercial area on Upper James Street.

The neighbourhood will provide for the needs of its residents, as much as possible within a primarily residential area. The Plan contains a broad range of land use designations, to help ensure that community services such as a school, parkland and neighbourhood stores are provided.

The neighbourhood will be developed in an efficient and attractive manner. Energy efficient design to allow use of passive solar heating, cost effectiveness, convenience and safety have been considered in the design of the road pattern and lot layout. The neighbourhood will be developed to be visually attractive and the unique character of the area will be highlighted.

The Upper James Street corridor will be developed in a manner which recognizes its role as an important entrance into the city, and as a viable commercial area. Urban design guidelines, contained in Appendix "C" of this report, have been prepared to help ensure an orderly and attractive streetscape for this corridor.

B) Objectives, Policies and Actions

1) RESIDENTIAL

Objective 1 - Variety of Housing Densities

The Mewburn Neighbourhood will provide low and medium density housing in a variety of housing types and densities. Low density residential areas will be located mainly in the centre of the neighbourhood. Medium density residential areas will be located along or near the arterial roads, as long as these areas are compatible with adjacent residential densities.

Policies

- 1) Areas in the Mewburn Neighbourhood will be designated for single and double family housing, and attached housing.
- 2) Areas designated for single and double family housing (i.e. low density) will be located principally in the interior of the Neighbourhood.
- 3) Areas designated for attached housing (i.e. medium density) will be located along the arterial roads on the exterior of the Neighbourhood or adjacent to the collector roads in the interior of the Neighbourhood. Existing residential densities will be considered in the designation of these areas. A limited number of traffic access points should be provided for these developments.
- 4) New residential lots will be provided in a variety of sizes, with the largest lots provided for single family homes in choice locations such as in the interior of the neighbourhood and in areas where large lots are already established.
- 5) Residential development located adjacent to arterial roads will be protected from excessive traffic noise, by means of appropriate measures such as berms, placed on private property.
- 6) Development for residential and other uses will be sensitive to any areas of archaeological significance which may be found during development of the area.

Actions

- 1) The City, through the Planning Department, will designate areas for various residential densities, but will not prezone residential lands.
- 2) The City will designate areas for attached housing which have access from arterial or collector roads only.
- 3) The City will utilize site plan control to help ensure the appropriate design of attached housing areas, including landscaping, access, and separation and buffering between adjacent uses.
- 4) The City will encourage developers to submit plans of subdivision with larger lots in the interior of the Neighbourhood, and smaller lots on the perimeter.
- 5) The City will require that where excessive traffic noise is a problem on arterial roads adjacent to new development, appropriate noise attenuation features such as berms will be provided by the developer, located on private property at the expense of the developer.
- 6) The City will require that developers preserve areas of archaeological significance such as any Indian villages, burial sites or similar features which may be found during the development of the area.

Objective 2 - Compatibility with Existing Development

Future residential development will not adversely affect the existing residential units within Mewburn or in adjacent neighbourhoods.

Policies

- 1) New development located adjacent to existing dwelling units will be of a type and scale that will not adversely affect existing dwellings.
- 2) The subdivision of existing large lots will be encouraged to provide for infilling, where access is available.
- 3) New development should take into account the possible shadow effects on the existing developments.

Actions

- 1) The City will attempt to ensure the compatibility of new development, including the recognition and retention of existing dwellings, by means such as subdivision agreements and site plan control.
- 2) The City will encourage the subdivision of existing large lots to permit infilling, where possible.

Objective 3 - Variety of Housing Cost

A mixture of residential units affordable for various income levels will be provided within the Neighbourhood.

Policies

- 1) The establishment of subsidized housing in the Neighbourhood will be considered.

Actions

- 1) The City will endeavor to promote subsidized housing by encouraging non-profit organizations to make use of available Government programs.

Objective 4 - Utilization of Passive Solar Energy

Residential development should make use of existing topography, microclimatic features and vegetation from which passive solar energy may be maximized.

Policies

- 1) Buildings will be encouraged to have a southern orientation in order to maximize the energy received from solar radiation.
- 2) The buildings should be situated to minimize shadow impacts on adjacent dwelling units.
- 3) North-south streetscapes will be subject to sunlight analysis.
- 4) Subdivision plans which utilize existing and proposed vegetation, topography and microclimate to their advantage will be encouraged.

Actions

- 1) The City will incorporate energy efficient planning as an integral part of residential subdivision plans and site plan agreements, where applicable. Both subdivision and site plans will include detailed designs for streets, lots, building location and orientation, shadow and wind effects, vegetation, solar access, and impacts on surrounding lots.
- 2) The City will encourage developers and home owners to plant deciduous trees on the south faces of buildings to promote shading in the summer and light access in the winter. Similarly, coniferous trees should be located on the north faces for cooling and heating purposes. Mature trees will be retained wherever possible.
- 3) The City will encourage developers to apply the research conducted by the Planning and Development Department on site design (e.g. orientation toward the sun and wind) for their site plans and building designs.
- 4) The City will design the internal road pattern of the Neighbourhood based on topographic analysis, to maximize cost effectiveness, in accordance with accepted geometric design standards.
- 5) The City will encourage developers to minimize regrading and to take advantage of existing topography in their subdivision designs.
- 6) The City will request developers to redesign subdivision plans which are not cost efficient, in terms of fuel and solar energy savings, as determined from solar efficient design analysis.

Objective 5 - Use of Innovative Housing Design

The energy efficiency of the Mewburn Neighbourhood will be improved through modification of existing development standards, where possible.

Policies

- 1) Development of homes that may be easily partitioned to create extra dwelling units will be permitted.
- 2) Innovative housing types including "key-shaped" lots, small-lot and zero-lot line single family dwellings and earth-sheltered housing will be encouraged.

Actions

- 1) The City, in co-operation with interested developers and/or builders, will investigate cost-sharing arrangements with senior levels of government in order to construct one or more of the innovative housing types mentioned above.
- 2) The City will investigate modification of the existing zoning by-law requirements for individual residential developments where analysis shows sufficient cost effectiveness.

2. Commercial

Objective 1 - Upper James Street Commercial Area

The Upper James Street Corridor should be recognized as a special commercial area of city-wide significance with a high quality of commercial uses and designs suitable to its location as one of the major entrances to the City. However, the development of the Upper James Street Corridor as a commercial area should not unduly impact or undermine existing commercial areas elsewhere in the City.

Policies

- 1) The commercial designations along Upper James Street will include the following, as shown on the Plan:
 - Commercial (general)
 - Commercial and Retail Warehouse
 - Neighbourhood Commercial
- 2) Adequate parking and loading facilities will be required for all new commercial areas.
- 3) The design of commercial uses on Upper James Street will be co-ordinated so that design features such as parking, landscaping, access, and appearance are as integrated and contiguous as possible.
- 4) The commercial uses on Upper James Street will be designed so that they do not unduly disrupt the orderly flow of traffic.
- 5) Measures will be taken to ensure that commercial uses will not unduly affect adjacent residential areas.
- 6) The consolidation of ownership of properties along Upper James Street will be encouraged to allow for the better design of the commercial areas and to minimize access to the street.
- 7) Existing narrow lots along Upper James Street will be developed in conjunction with adjacent properties, where possible, to provide lots of at least 30 m (100 ft.) frontage.

Actions

- 1) The City will make all commercial uses along Upper James Street subject to site plan control to ensure that adequate parking and loading spaces are provided, parking lots are integrated with adjacent lands and adequate landscaping, fencing and setbacks are provided in commercial areas adjacent to residential uses.
- 2) The City will encourage developers to co-operate with adjacent property owners in matters such as shared access, shared parking, similarity in architectural quality and design, and landscaping.

- 3) The City, by means of site plan control, will ensure that the number of vehicular accesses to Upper James Street from commercial areas is minimized to reduce the number of traffic conflicts.
- 4) The City, by means of zoning by-law will encourage the following uses in lands designated retail/warehouse (while other general commercial uses will also be permitted):
 - factory outlets;
 - wholesaling (not including food);
 - business offices;
 - car, truck (non commercial), and recreational vehicles sales;
 - factory repair depots for consumer goods;
 - entertainment facilities (unlicensed);
 - recreational facilities (unlicensed);
 - home improvement centres (building supply centres);
 - furniture or appliance sales;
 - other home furnishings;
 - clubs (unlicensed);
 - hotels or motels;
 - catalogue retail establishment;
 - manufacturers sample or showroom;
 - automotive repair and service;
 - opticians laboratory;
 - pharmaceutical laboratory;
 - restaurants;
 - swimming pool and other outdoor recreation sales;
 - professional offices; and
 - nurseries.

Note: This is a preliminary list for discussion purposes. A finalized list will be prepared later.

- 5) Notwithstanding the above, warehousing or storage of goods and materials will be permitted as an ancilliary use on lands designated retail/warehouse provided that the total area available for storage does not exceed 50% of the gross building area.
- 6) Notwithstanding the above, limited light industrial uses may be permitted in lands designated retail/warehouse subject to the following, as outlined in the City of Hamilton Official Plan policy A.2.2.18:
 - the industrial activity is ancilliary to the uses specified above;
 - adequate loading facilities are provided;
 - adequate sewer and water services are available to the site;
 - the industrial activity is not noxious by virtue of noise, heat, glare, dust, vibration, or other emissions; and
 - the use does not interfere with the attractiveness or viability of the area for the primary permitted uses.

In addition, consideration will be given to limiting the industrial activity to 33% of the gross leasable floor area.

- 7) The outdoor storage or retailing of goods or materials will not be permitted, with the exception of nurseries, swimming pool sales, and automobile sales (new and used).
- 8) The following provisions will apply to lands designated retail/warehouse in the Neighbourhood Plan:
 - the minimum lot frontage shall be 30 m. (100 ft.);
 - the minimum lot depth shall be 100 m. (325 ft.);
- 9) The Urban Design Guidelines contained in Appendix "C" of this report provide specifications concerning building height, rear yards, and buffering of adjacent residential uses by means of landscaping, berms and fences. These features will vary within the study area, depending on the types of commercial area and the nature of adjacent uses.
- 10) Structures designed as office uses, clubs, restaurants, entertainment facilities or for recreational uses will be subject to special parking provisions to ensure that adequate parking is provided.
- 11) No outdoor patios will be allowed in the rear yards of buildings or adjacent to residential areas. The Outdoor Patio By-law which came into effect in August 1986, defines the permitted locations for outdoor patios.
- 12) The City will develop special design guidelines for the signing of commercial and other establishments fronting onto Upper James Street at a later date. These guidelines may include specifications controlling height, setback, size and construction of signs.
- 13) The City will give consideration to special cases where existing narrow lots along Upper James Street make difficult the establishment of lots with at least 30 m (100 ft.) frontage.

Objective 2 - Neighbourhood Commercial

Neighbourhood commercial uses should be located in Mewburn to provide for the daily and weekly needs of the Neighbourhood residents.

Policies

- 1) Commercial uses in the area where the internal collector road intersects Upper James Street, mid-way between Stone Church Road and Rymal Road, may contain neighbourhood commercial uses to serve the local residents. These uses will be non-highway commercial in nature.

- 2) The neighbourhood commercial areas will offer goods and services to meet the Neighbourhood's daily needs.

Actions

- 1) The City will use the various commercial designations in the proposed neighbourhood plan to evaluate the appropriateness of commercial development applications.
- 2) The City will use Site Plan Control to ensure that commercial establishments are designed attractively and are suitably landscaped and buffered.
- 3) The City will not permit commercial uses such as taverns, billiard halls, public arcades, etc. in the areas designated commercial in the Mewburn Neighbourhood Plan.

3. INSTITUTIONAL (EDUCATIONAL AND RELIGIOUS FACILITIES)

Objective 1 - Schools

Adequate educational facilities should be provided for residents of Mewburn, preferably by means of the public school site located in the interior of the neighbourhood. This development should be integrated into the overall design of the neighbourhood.

Policies

- 1) The site designated for a public school in the interior of the Neighbourhood will be developed for either a public and/or a separate school, if possible.
- 2) The proposed school could be used to provide additional facilities for community services during the evening hours.
- 3) The design of the proposed school should consider the possibility of future conversion to residential and/or other compatible uses.
- 4) The school site will be redesignated for other uses if a school is not built.

Action

- 1) The City will express their policies to the Board of Education, the Separate School Board, and other appropriate departments.

Objective 2 - Religious Institutions

Religious institutions (places of worship) are an important community service and are therefore encouraged to locate in the Mewburn Neighbourhood.

Policies

- 1) Existing religious institutions and associated uses along Stone Church Road should be retained, including the Barton Stone United Church and St. Timothy's Anglican Church.
- 2) The unique historical character of existing religious institutions should be preserved and highlighted, by means of special treatment such as the provision of adjacent landscaping and open space.
- 3) Additional religious institutions should be encouraged to locate in the vicinity of Upper James Street and Stone Church Road East, along with other Multi-Centre uses.
- 4) Religious institutions should be developed in a manner which is compatible with adjacent development.

Actions

- 1) The City will support plans for the development of places of worship in the vicinity of Upper James Street and Stone Church Road provided that they do not adversely affect surrounding land uses.
- 2) The City will permit places of worship to locate on arterial roads where appropriate. Such uses will be discouraged from locating in the interior of the neighbourhood where direct access to an arterial road is not available.
- 3) The City will encourage the enhancement of the unique historical character of the Barton Stone United Church, at the southwest corner of Upper James Street and Stone Church Road. Nearby commercial uses will be appropriately buffered by means of landscaping and distance separation.

4. INDUSTRIAL

Objective

Industrial developments are not planned for the Mewburn Neighbourhood. However, proposed home occupations should be assessed on a use-by-use basis.

Policy

- 1) The Mewburn Neighbourhood will not contain lands designated for industrial uses.

5. PARKS, RECREATION AND OPEN SPACE

Objective - Development and Integration of Sites

The parks and open spaces within the Mewburn Neighbourhood will be designed and developed to meet the needs of the Community. Pedestrian and bicycle links will be used to connect park areas and thus facilitate their use.

Policies

- 1) The City lands located at the western boundary of the Mewburn Neighbourhood, and in the adjacent Sheldon Neighbourhood, will be developed for a community park. Facilities in this park will include both active and passive recreational uses.
- 2) Park and recreational facilities for the use of neighbourhood residents will be encouraged on the proposed school site owned by the Board of Education.
- 3) Recreational facilities provided in Mewburn and the vicinity will be co-ordinated to prevent unnecessary duplication.
- 4) The existing cemetery located on Upper James Street, just south of the Barton Stone United Church, will be retained for cemetery uses.
- 5) The proposed community park, the public school site, and similar park uses in adjacent neighbourhoods such as Ryckmans should be linked by means of pedestrian and bicycle pathways.
- 6) The intensity of development of the community park will be governed by the limited access to arterial roads. The types of recreational uses at the community park will be in keeping with the limited access provided to this site, by means of local roads rather than major arterials.

Actions

- 1) The City will develop the community park at the western boundary of Mewburn to include appropriate recreational facilities.
- 2) The City will request the Board of Education to permit community use of the Board's property.
- 3) The City will encourage co-ordination of the recreational facilities provided at the proposed community park, the public school site, and other nearby facilities.
- 4) The City will ensure that the recreational facilities in Mewburn and vicinity are connected by means of pedestrian and bicycle pathways. These bicycle routes may be included in the paved portion of the road allowance, and marked by appropriate signs.

6. COMMUNITY SERVICES

Objective

To provide for the needs of local residents, the provision of appropriate community services will be encouraged in the Mewburn Neighbourhood. These facilities may be shared with adjacent neighbourhoods, depending on their nature and size.

Policies

- 1) High quality, convenient library services will be provided.
- 2) The proposed community park at the western boundary of Mewburn will provide a variety of recreational facilities.
- 3) The proposed school site will be considered as a location for additional recreational facilities and community services, if required.

Actions

- 1) The City will encourage the Library Board to monitor development in the neighbourhood to determine the need to expand their branch services and/or Bookmobile services.
- 2) The City will encourage the Culture and Recreation Department and other agencies to provide a wide variety of recreational opportunities and community services.

7. TRANSPORTATION

Objective 1 - Road Pattern

The road pattern will be designed to maximize energy efficiency and help ensure the safety and the convenience of the people it serves, while at the same time maximizing energy efficiency, where possible.

Policies

- 1) Energy efficiency will be an important factor in the design of the street system.
- 2) The local road pattern will be designed to discourage through traffic, while providing convenient access from each of the surrounding arterial roads.
- 3) Internal roads will be built as needed, to serve the local traffic in the neighbourhood.
- 4) The installation of traffic signals will be considered at such time as their installation will improve the traffic safety and overall capacity of the intersection, taking into consideration the installation warrants, and receiving appropriate approval from Regional Council, in accordance with the current practice.
- 5) As many mature trees as possible will be retained along roadways such as West Fifth Street to act as a buffer, in accordance with current roadway design practice. New trees will be planted where there is a deficiency in vegetation, so that roadways will be as attractive as possible.

Actions

- 1) The City, where possible and considering relevant geometric design criteria will design the street system and orientation of residences to maximize solar energy efficiency.
- 2) The City will consider redesignating West Fifth Street as a collector road, rather than an arterial, and closing off a short section of the street, to restrict through traffic in this residential area. The City would first assume jurisdiction of this roadway from the Region. Amendments to the road classification in the Regional and Hamilton Official Plans would be required.
- 3) The City will propose curvilinear road sections and short cul-de-sacs to the east and west of West Fifth Street, in accordance with geometric design standards, to discourage through traffic and provide convenient access.
- 4) The City, through the subdivision approval process, will ensure that the final street pattern is similar to the energy efficient design in the Neighbourhood Plan.

Objective 2 - Pedestrian and/or Bicycle Paths

Pedestrian and/or bicycle paths on public lands will be provided for the residents of Mewburn. These will be provided within the existing designated road allowance.

Policies

- 1) Pedestrian and/or bicycle paths will be provided, connecting the community park, commercial areas and the Board of Education lands. These will be incorporated into a pedestrian and/or bicycle system for the whole City.
- 2) The need for construction of sidewalks will be assessed if pedestrian and/or bicycle paths are provided.

Actions

- 1) The City will encourage the development of the pedestrian and/or bicycle paths through the processes of subdivision approval and site plan control.

Objective 3 - Public Transit

Convenient public transit service will be provided.

Policy

- 1) Public transit routes will be maintained and extended and expanded as necessary to serve the residents of the neighbourhood.

Action

- 1) The City will encourage the Hamilton Street Railway, in accordance with their existing service objectives, to provide adequate route service, to locate bus stops in convenient and accessible areas and to provide shelters and/or benches at most bus stops.

8. VEGETATION

Objective

Mature trees and other desirable vegetation will be retained and managed for amenity and energy conservation value on public and private lands where feasible.

Policies

- 1) Borders of mature trees in the vicinity of the Board of Education lands and the commercial lands along Upper James Street and other public and institutional properties will be retained wherever possible. These borders will be managed to act as visual boundaries and as buffers to control shade and wind in accordance with good tree management principles.
- 2) Mature trees along arterial roads will be retained wherever possible during development of the Neighbourhood, especially along West Fifth Street and Rymal Road.
- 3) Private property owners will be encouraged to design landscaping on their properties to maximize energy efficiency.

Actions

- 1) The City will retain mature trees and other desirable vegetation wherever possible through the subdivision and condominium approval processes and through site plan control.
- 2) The City will preserve West Fifth Street as a tree-lined boulevard, at such time as the City assumes jurisdiction of this roadway from the Region. The present practice of preserving vegetation during roadway improvement will be continued for any roadway widenings, especially in the case of mature trees.
- 3) The City will provide information and assistance to private property owners in establishing energy-conserving vegetation in residential areas.

9. URBAN DESIGN AND NEIGHBOURHOOD CHARACTER

Objective

A unique neighbourhood character will be created by means of appropriate urban design features, located throughout the neighbourhood and especially along the Upper James Street corridor.

Policies

- 1) Commercial lands along Upper James Street will be developed with special attention to design, to create an attractive and functional entrance to Hamilton.
- 2) The retail/warehouse development along Upper James Street will be designed to serve automobile-oriented users. A limited number of access points will be provided from the road, and front service roads will be introduced, to minimize traffic conflicts. Other features such as uniform front building setbacks, a limited number of attractively-designed ground level business signs and landscaping on public lands will be included, to provide an attractive and orderly streetscape.
- 3) The neighbourhood-based commercial area at the mid-block collector road will be designed to serve pedestrian users. It will be developed in the form of plazas, with wide sidewalks at the front corners of the intersection and parking at the rear, as shown in the Urban Design Guidelines in Appendix C.
- 4) The south-east corner of the neighbourhood will be designated for general commercial lands.
- 5) An open space area will be designated on all corners of the intersection of Upper James Street and Stone Church Road. Buildings will be set back to accentuate the historical Barton Stone United Church at the south-west corner of the intersection.
- 6) The intersection of Upper James Street and Rymal Road, traditionally known as "Ryckmans Corners", will be emphasized as the main crossroads in the south mountain area. Special road lighting and signage will be considered to distinguish this intersection.
- 7) Residential cul-de-sacs within the neighbourhood will be designed in a manner which considers the access needs of pedestrians, as well as vehicles.

- 8) Existing vegetation will be retained to the maximum extent possible. The existing trees along West Fifth Street will be preserved where possible. Extensive new landscaping will be introduced, especially on public lands.
- 9) Linked park and open space areas will be developed in the interior of the neighbourhood. These may include pedestrian and/or bicycle linkages between the community park and the Board of Education lands. The section of West Fifth Street which will be closed to vehicular traffic will be available as a walkway for pedestrians.
- 10) The preservation of designated heritage buildings will be encouraged, as will the preservation of older buildings which are of interest because of their historical character. The associated landscaping features will also be preserved, where possible.

Actions

- 1) The City will use the Urban Design Guidelines for the Upper James Street Corridor contained in Appendix "C" of this report, to provide detailed specifications for the various commercial and open space areas. These will define setback depths; the location and size of landscaped areas, pedestrian areas, service roads and parking areas; and the nature of shared vehicle accesses. These guidelines will be implemented by means of zoning by-law amendments and site plan control.
- 2) The City will require development of the mid-block neighbourhood plazas as a planned whole by one owner or a group of owners. Prezoning of these lands will be considered to facilitate appropriate development, as long as traffic-related concerns are adequately addressed.
- 3) The City, in co-operation with the Regional Municipality of Hamilton-Wentworth, will consider special road lighting and signing at the intersection of Upper James Street and Rymal Road. All lighting and signing will be in accordance with accepted engineering standards.
- 4) The City will provide information and assistance to the private sector to encourage the design of residential cul-de-sacs for pedestrian use.
- 5) The City will help ensure that new development is designed to retain existing vegetation and to include new landscaping.
- 6) The City will include pedestrian walkways and bicycle linkages in the design of the neighbourhood.
- 7) The City will encourage the preservation of the following heritage buildings, by means of various options such as the use of large lots:
 - The Parsonage at 1073 West Fifth Street
 - The Barton Stone United Church on Upper James Street at Stone Church Road
- 8) The City will attempt to preserve older buildings which are of interest, such as those located at 1155 and 1208 West Fifth Street.

10. INFRASTRUCTURE

Objective

Full municipal services will be provided to the Mewburn Neighbourhood.

Policies

- 1) Full municipal services, including storm and sanitary services and an adequate water supply, will be provided to serve the residents of the Neighbourhood.
- 2) Development will be permitted only on the basis of full municipal services.
- 3) Isolated developments will be discouraged.

Actions

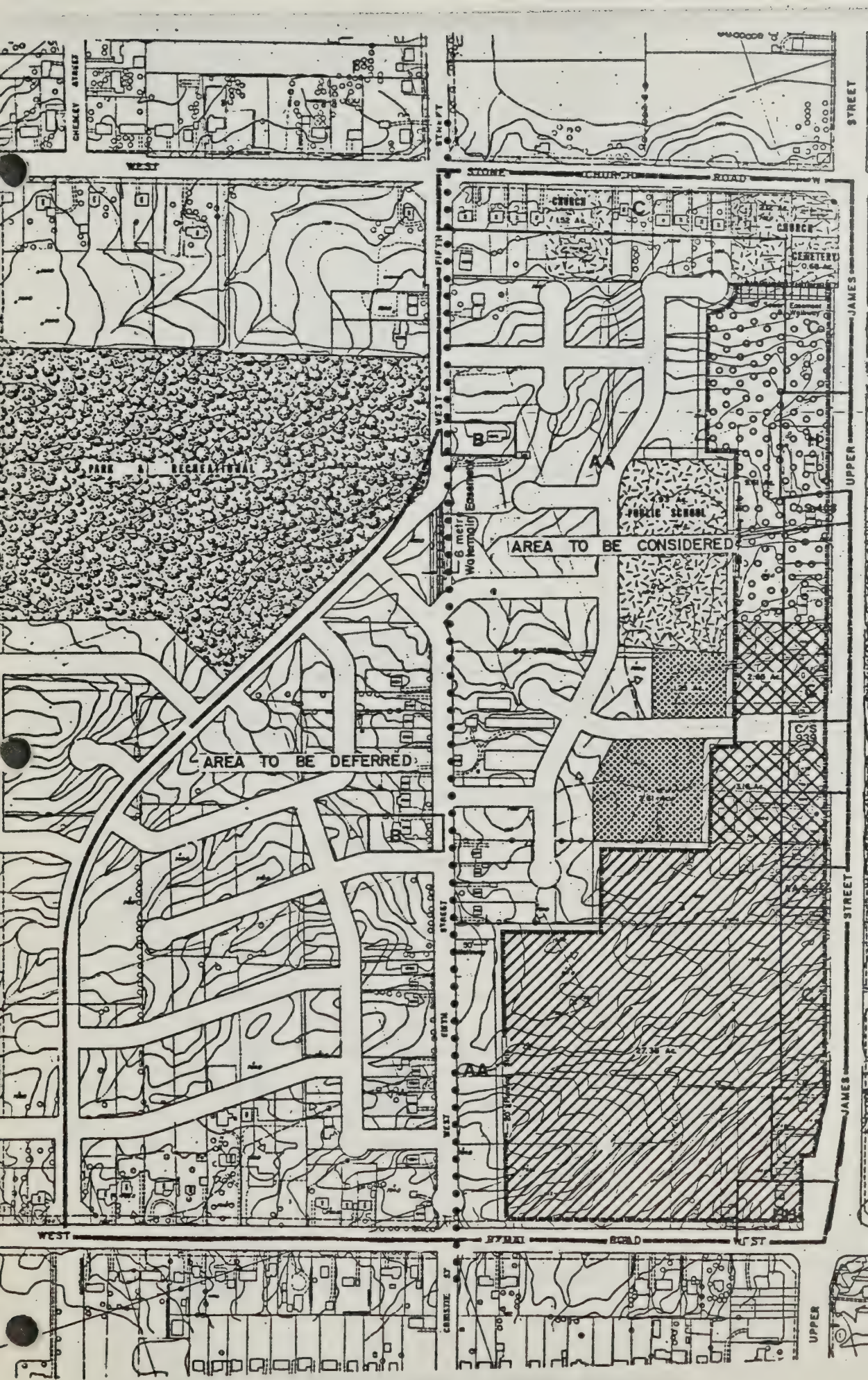
- 1) The City will request the Regional Engineering Department to provide full municipal services sufficient to meet the needs of neighbourhood residents.
- 2) The Regional Engineering Department will periodically assess the need for the extension of municipal services within the Neighbourhood, to discourage isolated developments.
- 3) The City will not support development in the Mewburn Neighbourhood on the basis of temporary services.

II ADMINISTRATIVE PROVISIONS

The Neighbourhood Plan is a policy of City Council but is not incorporated into the Official Plan in its entirety. The Plan is not intended to be rigid. It is expected that there will be changes from time to time in response to new circumstances. However, changes should reflect the general goals of the Plan. Very minor alterations in land use and boundaries will not require a Neighbourhood Plan Amendment. However, other changes will need Council approval and full participation of those affected.

APPENDICES

PROPOSED MEWBURN NEIGHBOURHOOD PLAN



PROPOSED NEIGHBOURHOOD PLAN

AREA EAST OF WEST
FIFTH TO BE RECOM-
MENDED FOR ADOPTION
BY CITY COUNCIL

EXISTING POPULATION 1980 / 1985

PREFERRED OPTION

LEGEND
— CITY OF HAMILTON EXISTING PLANNED LINE
— CITY OF HAMILTON EXISTING PLANNED LINE
— CITY OF HAMILTON EXISTING PLANNED LINE
— CITY OF HAMILTON EXISTING PLANNED LINE
— CITY OF HAMILTON EXISTING PLANNED LINE

LAND USE

- RESIDENTIAL
 - single & double
 - attached housing
 - low density apts.
 - medium density apts.
- COMMERCIAL
- COMMERCIAL & RETAIL WAREHOUSE
- NEIGH'D COMMERCIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

Neighbourhood Boundary
Zoning Boundary
Approved
Planning Comm. Council
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT
MEWBURN
PROPOSED PLAN



LOCATION MAP OF MEWBURN



LEGEND



Mewburn Neighbourhood

SOURCE: Hamilton-Wentworth Planning Department, 1987.

URBAN DESIGN GUIDELINESUPPER JAMES STREET CORRIDOR(MEWBURN SECTION)

Upper James Street is one of the major entrances to the City, as well as a developing commercial area. A variety of commercial uses will be encouraged, to serve the needs of local residents and the whole City.

Urban Design Guidelines have been prepared to help co-ordinate the future development of this area. These will help ensure that aspects such as the location of landscaping, access points, parking areas and building setbacks are adequate and uniform.

There are three types of commercial land use planned for this corridor, the design details of which are as follows:

1) Commercial

Location

- Northwest corner of Upper James Street and Rymal Road.

Permitted Uses

- General commercial uses, including neighbourhood commercial, highway commercial, and others.
- Appropriate uses include retail, personal services, automotive service stations, etc.

Design

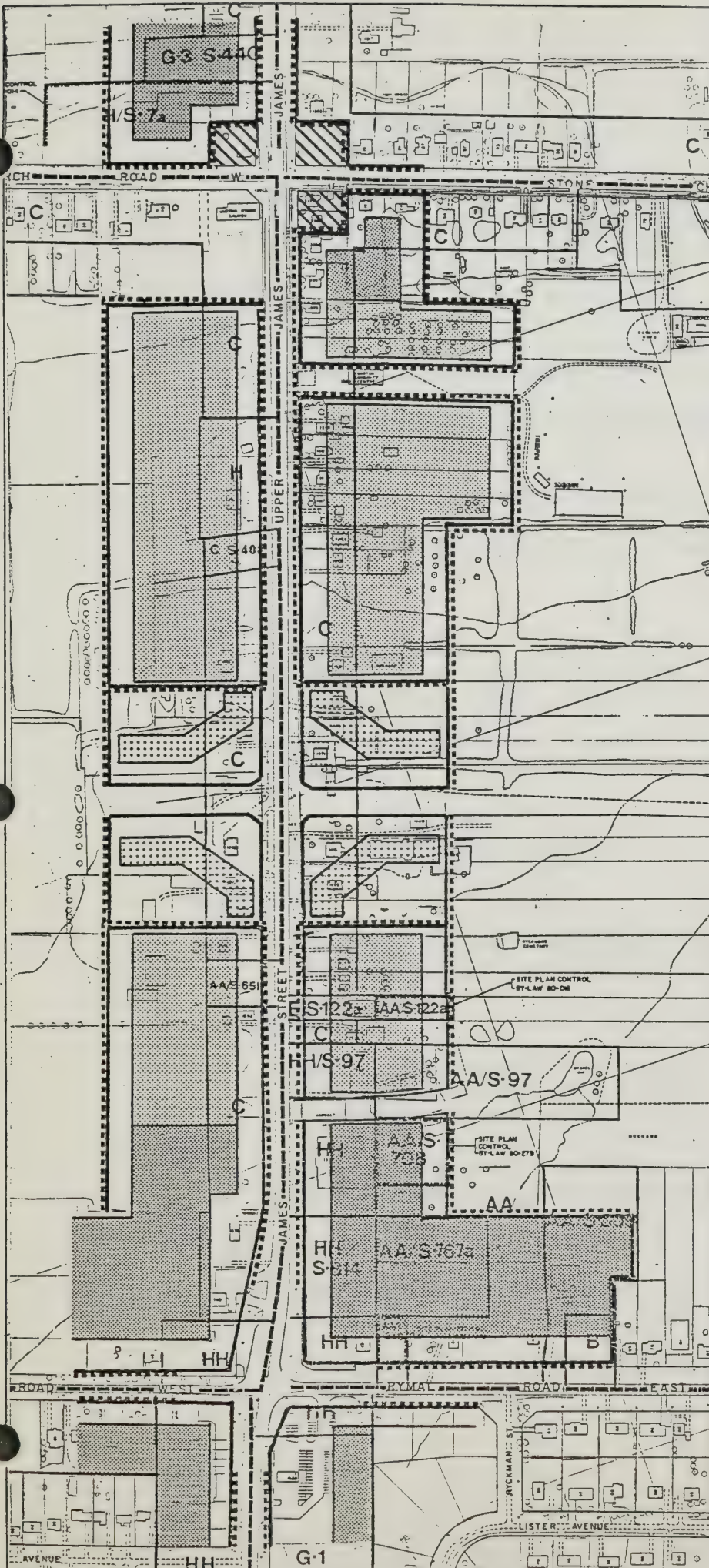
The following features are common to both the Commercial and Retail Warehouse, and Commercial areas:

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.
- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:
 - two rows of parking spaces, on the east and west sides
 - a traffic laneway running north-south, between the parking spaces.
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.
- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.

URBAN DESIGN PLAN Upper James Street Corridor

LEGEND

-  Commercial
-  Commercial and Retail Warehouse
-  Neighbourhood Commercial
-  Landscaped Strip
-  Open Space



*To be revised as necessary for
large commercial development
at Upper James & Rymal*

Note: The proposed building envelopes for the commercial establishments are shown.

These will be surrounded by front and rear service roads/parking areas and landscaping.

- Rear landscaping strip 3 m (10 ft.) in depth, along rear property line.
- Maximum building height of up to 8 stories would be permitted to prevent shading of adjacent properties, but actual building heights might be 1 to 2 stories.

Lot Size

- Frontage of at least 30 m (100 ft.) along Upper James Street.
- Lots with less than this minimum frontage will be considered in special cases.
- Depth of at least 100 m (325 ft.), in northerly section.
- Lot depth of 130 m (425 ft.), in southerly section.

Special Features

- Intersection of Upper James Street and Rymal Road designated as a main cross roads, with special lighting and signage.
- Front building line is jogged in this area, to compensate for curved section of Upper James Street.

2) Commercial and Retail Warehouse

Location

- Majority of frontage along Upper James Street, excluding lands at intersections of arterials and midblock collector.

Permitted Uses

- Retail warehouse commercial establishments, such as furniture and home furnishings sales outlets, motor vehicle sales, wholesaling, factory outlets, etc.
- Further suggested uses are listed within Section 2. Commercial of the policies in the Neighbourhood Plan.

Design

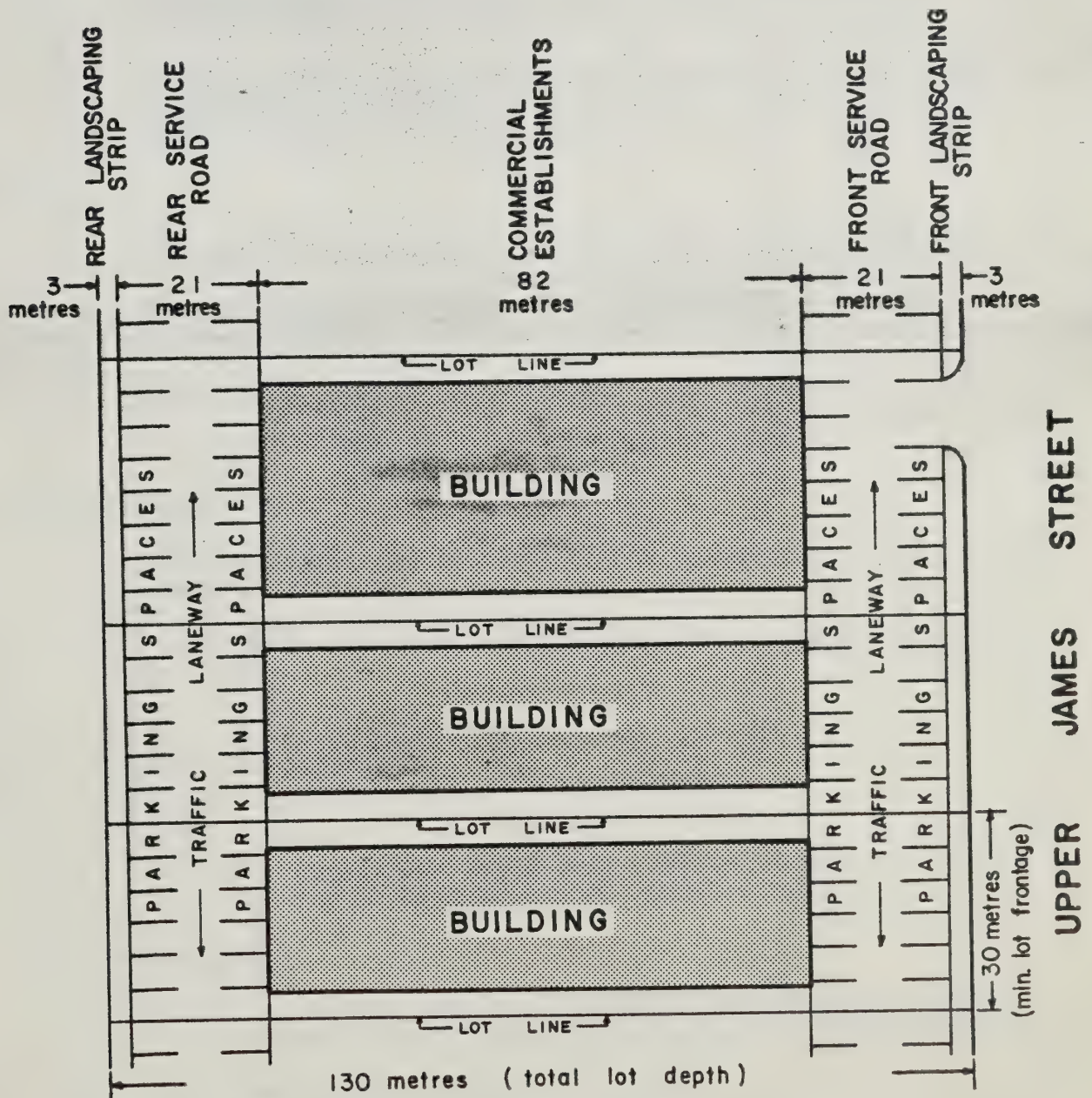
The following features are common to both the Commercial and Retail Warehouse, and Commercial areas:

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.

URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET CORRIDOR

Example of Commercial Area Design for:

- 1) Commercial
- and 2) Commercial & Retail/Warehouse



- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:
 - two rows of parking spaces, on the east and west sides
 - a traffic laneway running north-south, between the parking spaces
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.
- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.
- Rear landscaping strip 3 m (10 ft.) in depth, along rear property line.
- Maximum building height of up to 8 stories would be permitted to prevent shading of adjacent properties, but actual building heights might be 1 to 2 stories.

Lot Size

- Frontage of at least 30 m (100 ft.) along Upper James Street.
- Lots with less than this minimum frontage will be considered in special cases.
- Depth of at least 100 m (325 ft.) in northerly section.
- Lot depth of 130 m (425 ft.) in southerly section.

Special Features

- Vehicular access to this area will be by means of a limited number of driveways.
- Front and rear service roads will be linked between adjacent properties.

3) Neighbourhood Commercial

Location

- Halfway between Stone Church Road and Rymal Road, on north and south sides of proposed mid-block collector road.

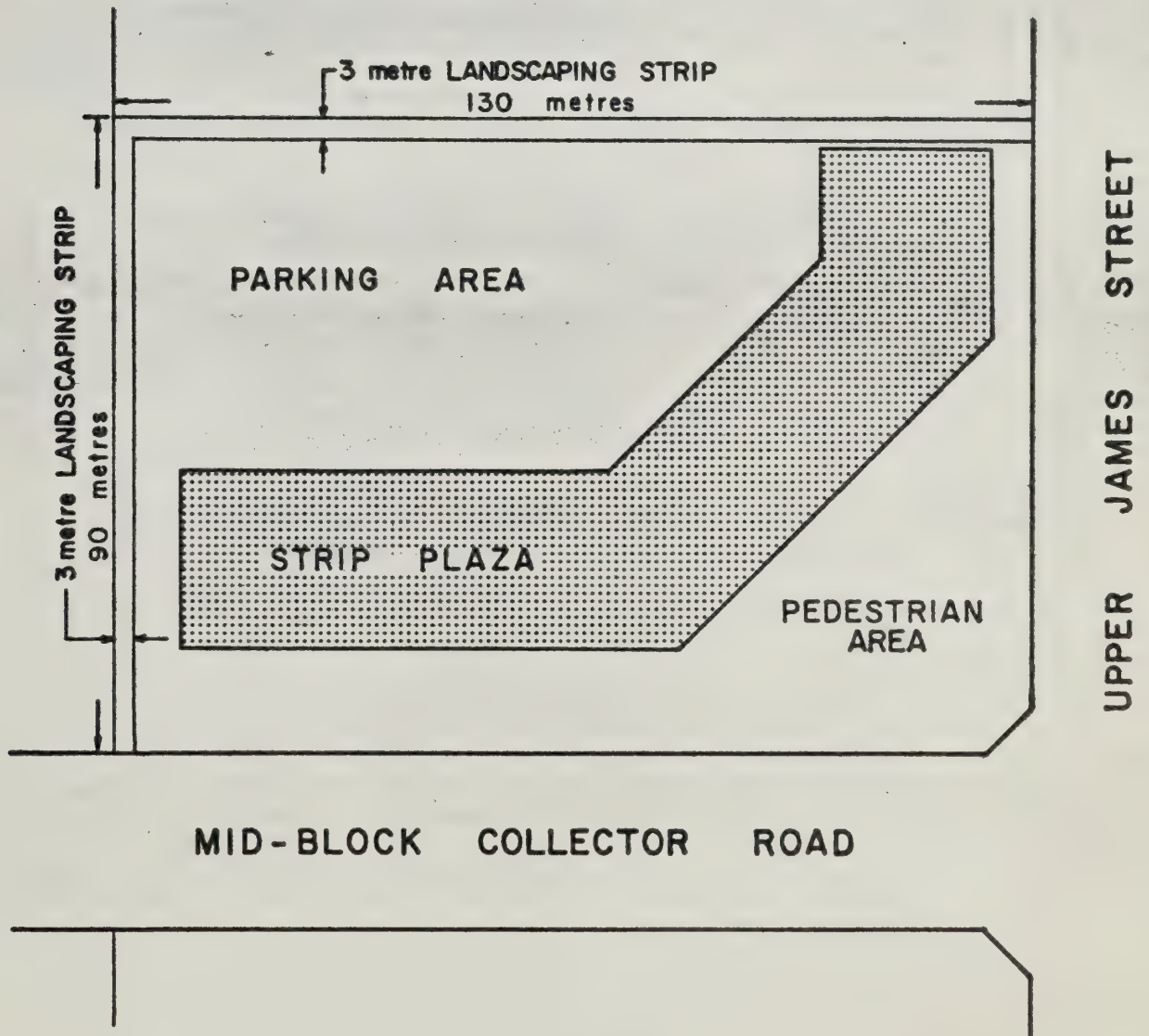
Permitted Uses

- Retail and service uses for the adjacent neighbourhood, such as convenience stores, personal services, professional offices.
- Non-highway commercial uses.

URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET CORRIDOR

Example of Commercial Area Design for:

3) Neighbourhood Commercial



- Commercial and apartments mixed use may be considered.

Design

- Angular strip plazas, with frontage on both Upper James Street and the mid-block collector road.
- A triangular open area reserved for pedestrians on the front corners, approximately 310 sq. m (11,000 sq. ft.) in size on each corner.
- Parking area located to the rear of the plazas.
- Maximum building height of 3 to 4 stories, if residential apartments included on upper floors.

Area Size

- Entire area to be developed as a whole, to ensure appropriate design.
- Frontage of 90 m (300 ft.) on Upper James Street.
- Depth of 130 m (425 ft.) along collector road.

Special Features

- Small town atmosphere, appealing to local residents and pedestrian traffic.
- Street furniture to be provided in front open area, including benches, attractive lighting, as well as landscaping.

AMENDMENT NO. 28 TO THE
CITY OF HAMILTON OFFICIAL PLAN

The following text, together with the attached Schedules "A" and "B" hereto, constitutes Amendment No. 28.

PURPOSE --

The purpose of this Amendment is to:

- recognize Upper James Street (from the East-West and North-South Transportation Facility to the City limits) as a major highway-oriented commercial area;
- provide for a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent Neighbourhoods; and,
- provide the basis for more detailed planning through Neighbourhood Plans and design guidelines to ensure a co-ordinated approach to development, and minimize conflicts between the Commercial uses on Upper James Street and the Residential uses within the Neighbourhoods.

LOCATION

This Amendment applies to lands fronting on Upper James Street from the East-West and North-South Transportation Facility to the City limits, and fronting on Rymal Road in the vicinity of Upper James Street.

BASIS

Official Plan Amendment No. 22 effectively deletes the Staging policies of the Official Plan to provide for the immediate development of the southwest sector of the City, subject to the availability of municipal services. Accordingly, in conjunction with this Amendment, a detailed study was undertaken to identify the appropriate land use pattern and implementation scheme for the Upper James Street corridor. The study resulted in a land use concept which requires certain changes to the Official Plan prior to its realization.

ACTUAL CHANGES

- (1) Schedule "A" of the Official Plan (Land Use Concept), as amended, will be further amended as shown on the attached map being Schedule "A" to this Amendment.

(2) The following be added to Schedule "B" - Special Policy Areas:

- o "Special Policy Area 31, 31a, 31b and 31c;" and,
- o "Area 31, 31a, 31b and 31c, refer to Policy A.2.9.3.26" in the legend.

(3) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas;

A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

- (i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods;
- ii) In keeping with Clause (i) above, three sub-areas are identified to provide the following uses within the Special Policy Area:
 - a) in Area "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses.
 - b) in Area "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,
 - c) in Areas "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).

- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this Area will consider the following:
 - a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
 - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
 - d) the location of access points between adjacent uses and to the road;
 - e) utilizing shared access and/or parking facilities with adjacent developments; and,
 - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
 - c) ensuring in Areas 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of Special Policy Areas 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property-owners regarding such matters as, access, parking, architectural quality and design, and landscaping.

- vi) In accordance with Policy D.2.2, Multi-Centre uses will be permitted in the vicinity of Upper James Street and Stone Church Road. Accordingly, Multi-Centre uses such as, Institutional, recreational and medium density Residential uses will also be permitted in addition to Commercial uses.
- (4) Delete the Multi-Centre designation on Schedule "G" - Planning Units, in the vicinity of Stone Church Road and West 5th Avenue.

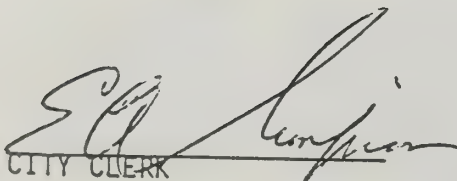
IMPLEMENTATION

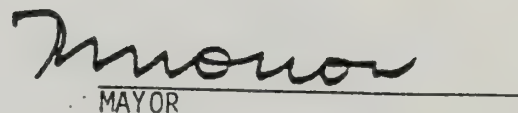
The provisions of Section "D" - Implementation as amended will apply to the implementation of this Amendment.

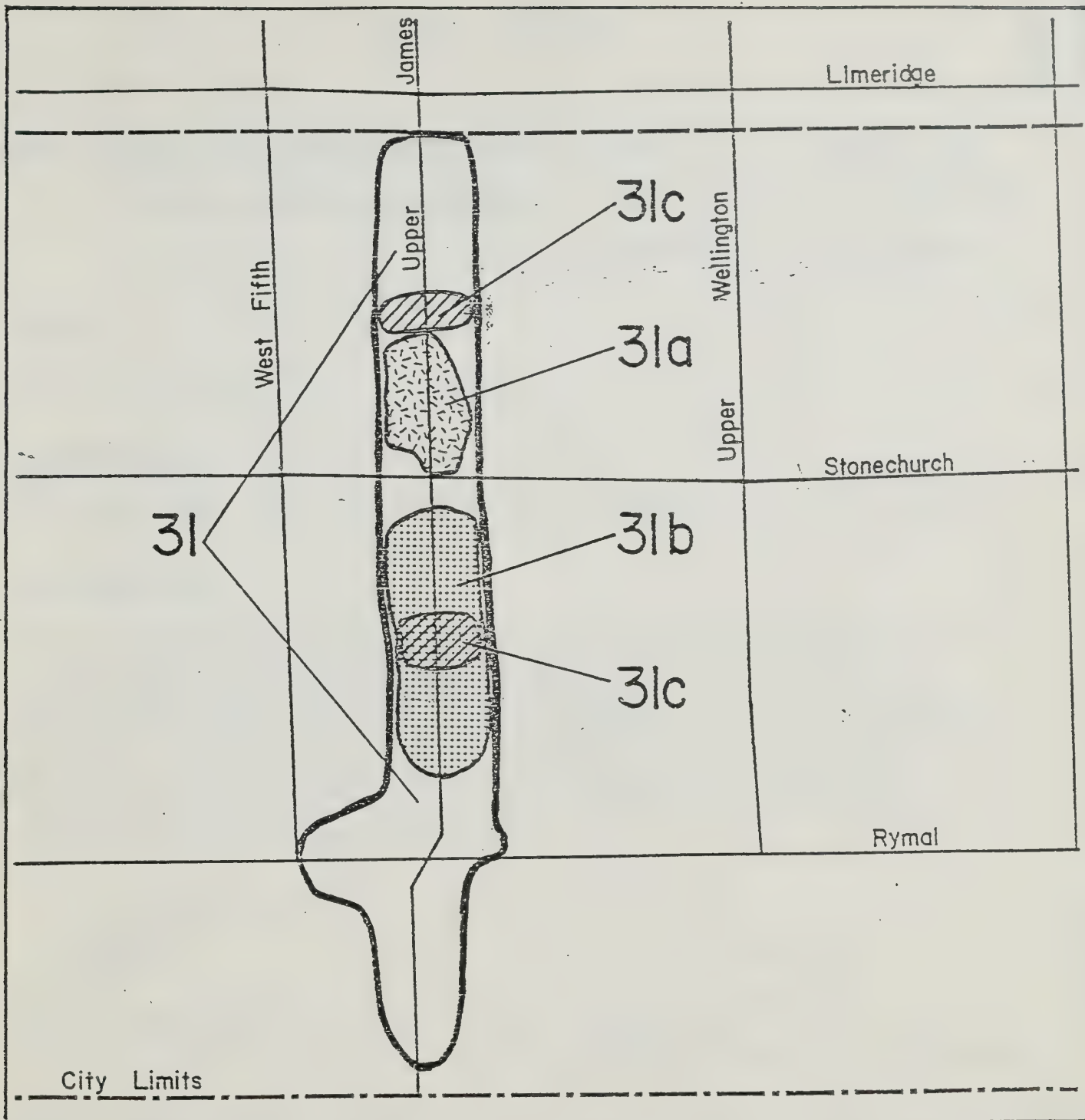
Bill No. C-116

This is Schedule 1 to By-law No. 85 - 236, passed on the day of
October 29th A.D. 1985.

THE CORPORATION OF THE
CITY OF HAMILTON


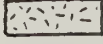
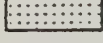


CITY CLERK


MAYOR



HAMILTON OFFICIAL PLAN AMENDMENT No. 28 SCHEDULE B

LEGEND

-  Special Policy Area 31
-  Special Policy Area 31a
-  Special Policy Area 31b
-  Special Policy Area 31c

DRAFT

NORTH



SCALE

N.T.S.

DATE

FEB. 1985

FOR ACTION

FROM Planning and Development Department

DATE June 15, 1987

TO Planning and Development Committee

Refer to File No. P5-8-4-2

Attention Of V. J. Abraham

SUBJECT

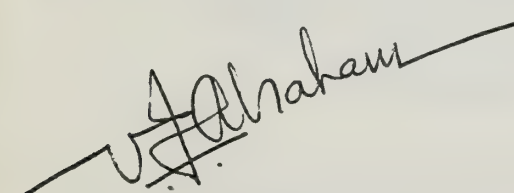
James Street North Study

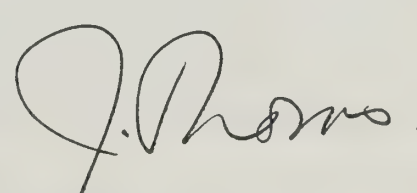
RECOMMENDATION

That James Street North not be designated as a heritage conservation district.

EXPLANATORY NOTE

The City commissioned a heritage conservation district plan (Appendix 1) for James Street North between King Street and the CN Tracks. Nick Hill, a heritage planning consultant, prepared the plan in conjunction with an Advisory Committee. The Advisory Committee supported the plan in principle, but did not support a heritage district designation or related implementation policies. The merchants wish to disassociate themselves from heritage district designation before proceeding to discuss ideas generated during the study, some of which they feel have merit. Therefore, it is recommended that the heritage district not be designated.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

In 1983, City Council selected James Street North as the top priority for a heritage conservation district study.

In 1984, background information was collected, a grant of \$16,500.00 was received from the Ontario Heritage Foundation for the study and Nicholas Hill, Architect and Planner, was appointed as consultant.

From November 1984 to April 1985, the James Street North Advisory Committee met 9 times. The Committee unanimously supported the principle of the plan, but rejected a heritage district conservation designation and related measures on a 7-5 vote. The Business Improvement Area executive also unanimously rejected the designation approach.

Zoning modifications were presented at the last Advisory Committee meeting and the matter referred to the Business Improvement Area.

In October 1986, a public meeting was authorized by the Planning and Development Committee.

The public meeting was held on March 23, 1987. Nicholas Hill forwarded his review of submissions in May 1987 (Appendix 2). The department also presented some possible zoning amendments as an alternative to heritage designation (Appendix 3).

Further modifications were prepared by the Department in an effort to reflect the wishes of the community while adhering to planning principles (Appendix 4). Responses were received from the Ministry of Citizenship & Culture supporting the proposals with additional suggestions (Appendix 5) and from Ron Boyko and Paul Somers (Appendix 6) opposing anything to do with heritage.

LACAC passed a motion on May 25 that designation as a district not proceed at this time.

ANALYSIS

Nick Hill's plan provides a policy guideline which it was intended would be adopted by the City. The plan includes policies on buildings, streetscaping, traffic and land use. It is a comprehensive planning study with an emphasis on heritage preservation. He has modified some of his policies as a result of circulation to departments and feedback from the community. The plan recommends that James Street North be designated as a heritage conservation district under the Heritage Act. A district designation applies architectural control to the street and provides delay in demolition. Council decisions on designation, and alteration and demolition after designation can be appealed to the Ontario Municipal Board. However, merchants strongly oppose designation because of the imposition on property rights, bureaucratic procedures involved and possible delays in approvals.

The zoning package was developed to try to achieve some of the objectives of the plan. These included relaxing parking and residential use restrictions, providing continuous commercial frontage, excluding car parking on the frontage of the property, requiring buildings to set forward next to the James North sidewalk and that new buildings have a minimum height. The zoning initiatives are not supported by the merchants as a package to be applied to the street as a whole.

After further consultation, the department considered additional modifications relating to the removal of heritage district designation and related implementation policies, a Community/City Hall Liaison Committee, a stronger parking strategy, conservation promotion, and an elaboration of how any zoning changes would be handled in the future.

Although merchants see merit in some of the proposed modifications, they would rather eliminate the possibility of heritage district designation (except on a voluntary basis) before considering further planning initiatives.

CONCLUSION

City Council should resolve that a heritage district designation not proceed.

DG/jd

W.P. DOC. 0565P



James Street North

HAMILTON

A HERITAGE CONSERVATION DISTRICT PLAN

Prepared by
Nicholas Hill
Architect · Planner
London

MAY 1987

J A M E S S T R E E T N O R T H

HAMILTON

a heritage conservation district plan

prepared by

Nicholas Hill
architect . planner
London

The author wishes to acknowledge the valuable assistance provided by the following, in the preparation of this plan.

Region of Hamilton-Wentworth Planning and Development Department

Victor Abraham	Director of Local Planning
David Godley	Manager, Neighbourhood/Area Plans Section
Rosemary Campbell	Planner, Neighbourhood/Area Plans Section
Joanne Hickey	Technician, Neighbourhood/Area Plan Section
Anne Tremblay	Technician, Neighbourhood/Area Plan Section

Ministry of Citizenship and Culture

David Cuming	Conservation Officer
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Local Architectural Conservation Advisory Committee, City of Hamilton

Nina Chapple	Architectural Historian
--------------	-------------------------

James Street North Advisory Committee

Agostino Ammendolia	Real Estate Broker
Ron Boyko	Mike's Dry Cleaners
Pascal & Yola Brandino	Patsy's Ringside Restaurant
Robert Brough	L.A.C.A.C.
Tino Cironi	Tino's Hair Design
Ron Corsini	Corsini's Supermarket
Gene Gnyp	Landscape Architect
Brian Henley	L.A.C.A.C.
Walt Ireson	Hamilton-Wentworth Regional Police Department - representing the armories
Fern Juliao	Mingles Cafe
Bryce Kanbara	Hamilton Artists Inc.
Sid Leon (Chairman)	Irving's Famous Clothes
Ginette Morgan	J & J Hardware
Kay Nolan	Central Area Plan Implementation Committee
James Renor	Orillia Dress Shop
Mary Robbins	McKay Florists
Guy Ricca	Factory Furniture Mart
Guido Ricca	Factory Furniture Mart
Peter Rozakis	Deno's Deli & Burgers
Jerry Sherman	Jerry's Men's Shop
Gil Simmons	L.A.C.A.C.
Doris Skorpid	Resident
Paul Somers	Eco Repro Graphic Inc.

CONTENTS

SECTION 1	INTRODUCTION	Page 1
	1.1 PURPOSE OF THE PLAN	1
	1.2 THE DISTRICT	2
SECTION 2	ACHIEVING THE PLAN	3
SECTION 3	ASSUMPTIONS	4
SECTION 4	GOALS	6
	4.1 INTRODUCTION	6
	4.2 PHYSICAL ENVIRONMENT GOALS	6
	4.3 SOCIAL GOALS	7
	4.4 ECONOMIC GOALS	7
SECTION 5	BUILDING	9
	5.1 INTRODUCTION	9
	5.2 OBJECTIVES	10
	5.3 POLICY	11
	5.4 ACTIONS	16
SECTION 6	STREETSCAPE	18
	6.1 INTRODUCTION	18
	6.2 TRANSPORTATION AND CAR PARKING	19
	6.2.1 INTRODUCTION	19
	6.2.2 OBJECTIVES	20
	6.2.3 POLICIES	21
	6.2.4 ACTIONS	21
	6.3 LANDSCAPING AND OPEN SPACE	23
	6.3.1 INTRODUCTION	23
	6.3.2 OBJECTIVES	25
	6.3.3 POLICIES	25
	6.3.4 ACTIONS	26

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